

SESSION LAWS OF MISSOURI

Passed during the

ONE HUNDRED SECOND GENERAL ASSEMBLY

First Regular Session, which convened at the City of Jefferson,
Wednesday, January 4, 2023, and adjourned Tuesday, May 30, 2023

Veto Session held Wednesday, September 13, 2023.



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COMMITTEE ON
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Revised Statutes of Missouri, 2016

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HOW TO USE THE SESSION LAWS

The first pages contain the *Table of Sections Affected by 2023 Legislation* from the First Regular Session of the 102nd General Assembly.

The text of all 2023 House and Senate Bills and the Concurrent Resolutions from the First Regular Session appears next. The appropriation bills are presented first, with all others following in numerical order.

A subject index is included at the end of this volume.

Visit the Revisor of Statutes website at revisor.mo.gov.

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AUTHORITY FOR PUBLISHING SESSION LAWS AND RESOLUTIONS

2.030. Revised Statutes of Missouri, 2016. — Legislative research, printing and binding of laws. — The joint committee on legislative research shall annually collate and index, and may print and bind and/or produce in a web-based electronic format all laws and resolutions passed or adopted by the general assembly and all measures approved by the people since the last publication of the session laws. Any edition of the session laws published pursuant to this section is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

2.040. Revised Statutes of Missouri, 2016. — Duties of legislative research in printing and binding. — The joint committee on legislative research shall provide copies of all laws, measures and resolutions duly enacted by the general assembly and all amendments to the constitution and all measures approved by the people since the last publication of the session laws pursuant to section 2.030, giving the date of the approval or adoption thereof. The joint committee on legislative research shall headnote, collate, index the laws, resolutions and constitutional amendments, and compare the proof sheets of the printed copies with the original rolls. The revisor of statutes shall insert therein an attestation under the revisor's hand that the revisor has compared the laws, resolutions, constitutional amendments and measures therein contained with the original rolls and copies in the office of the secretary of state and that the same are true copies of such laws, measures, resolutions and constitutional amendments as the same appear in the original rolls in the office of the secretary of state. The joint committee on legislative research shall cause the completed laws, resolutions and constitutional amendments to be printed and bound.

The Joint Committee on Legislative Research is pleased to state that the 2023 Session Laws of Missouri is printed with soy-based ink.

ATTESTATION

STATE OF MISSOURI)
) ss.
City of Jefferson)

I, Sandy Lueckenhoff, Assistant Revisor of Statutes, hereby certify that I have collated carefully the laws and resolutions passed by the One Hundred Second General Assembly of the State of Missouri, convened in first regular session (2023) as they are contained in the following pages, and have compared them with the original rolls and have corrected them thereby. Headnotes are used for the convenience of the reader and are not part of the laws they precede.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office in the City of Jefferson this 11th day of October A.D. two thousand twenty-three.

SANDY LUECKENHOFF
ASSISTANT REVISOR OF STATUTES

EFFECTIVE DATE OF LAWS

All laws having emergency clauses (and appropriation bills) become effective upon signature by the governor. Bills having a specific effective date contained in the text of the act become effective on that date. This date is shown immediately following the section. All other laws become effective in accordance with the provisions of the Constitution of Missouri.

Section 29, Article III of the Constitution provides:

“No law passed by the general assembly, except an appropriation act, shall take effect until ninety days after the adjournment of the session in either odd-numbered or even-numbered years at which it was enacted. However, in case of an emergency, which must be expressed in the preamble or in the body of the act, the general assembly by a two-thirds vote of the members elected to each house, taken by yeas and nays may otherwise direct; and further except that, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of the recess.”

Pursuant to Section 20(a), Article III, Constitution of Missouri, as amended in 1988, the regular session of the general assembly ends on May 30th and laws passed at that session become effective August 28th of that year.

Section 21.250, which provides for the effective date of bills reconsidered after the governor’s veto, was amended by the General Assembly in 2003 to add the following language:

“Unless the bill provides otherwise, it shall become effective thirty days after approval by constitutional majorities in both houses of the general assembly.”.

The One Hundredth Second General Assembly, First Regular Session, convened Wednesday, January 4, 2023, and adjourned Tuesday, May 30, 2023. All laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) became effective ninety days thereafter on August 28, 2023.

JOINT RESOLUTIONS AND INITIATIVE PETITIONS

Section 2(b), Article XII of the Constitution provides:

“All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. No such proposed amendment shall contain more than one amended and revised article of this constitution, or one new article which shall not contain more than one subject and matters properly connected therewith. If possible, each proposed amendment shall be published once a week for two consecutive weeks in two newspapers of different political faith in each county, the last publication to be not more than thirty nor less than fifteen days next preceding the election. If there be but one newspaper in any county, publication for four consecutive weeks shall be made. If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.”

The One Hundredth Second General Assembly, First Regular Session (2023), passed one Joint Resolution. Resolutions are to be published as provided in Section 116.340, RSMo 2016, which reads:

“116.340. Publication of approved measures. — When a statewide ballot measure is approved by the voters, the secretary of state* shall publish it with the laws enacted by the following session of the general assembly, and the revisor of statutes shall include it in the next edition or supplement of the revised statutes of Missouri. Each of the measures printed above shall include the date of the proclamation or statement of approval under section 116.330.”

*The publication of session laws was delegated to the Joint Committee on Legislative Research in 1997 by Senate Bill 459, section 2.040.

The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2023 Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

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**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
102ND GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
9.138	Amended	SB 139	36.100	Amended	SB 111
9.368	New	SB 139	36.120	Amended	SB 111
9.369	New	SB 139	36.140	Amended	SB 111
9.371	New	SB 45	36.250	Amended	SB 111
9.371	New	SB 139	36.440	Amended	SB 111
9.372	New	SB 139	36.510	Amended	SB 111
9.373	New	SB 139	37.010	Amended	SB 111
9.374	New	SB 139	37.725	Amended	SB 28
9.377	New	SB 139	37.725	Amended	SB 45
9.378	New	SB 139	37.725	Amended	SB 106
9.379	New	SB 139	37.725	Amended	SB 186
9.381	New	SB 45	37.980	New	SB 45
9.384	New	HB 402	37.980	New	SB 106
9.387	New	SB 139	43.253	New	SB 28
9.388	New	SB 45	43.253	New	SB 186
9.388	New	SB 106	43.400	Amended	SB 186
10.246	New	SB 139	43.401	Amended	SB 186
10.247	New	SB 139	43.539	Amended	SB 28
12.070	Amended	SB 109	43.539	Amended	SB 40
33.100	Amended	HB 131	43.539	Amended	SB 186
33.100	Amended	SB 111	43.540	Amended	SB 28
36.020	Amended	SB 111	43.540	Amended	SB 40
36.030	Amended	SB 111	43.540	Amended	SB 186
36.050	Repealed	SB 111	57.280	Amended	SB 186
36.060	Amended	SB 111	57.952	Amended	SB 20
36.070	Amended	SB 111	57.952	Amended	SB 75
36.080	Amended	SB 111	57.952	Amended	SB 186
36.090	Amended	SB 111	57.961	Amended	SB 20

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
102ND GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
57.961	Amended	SB 75	60.510	Amended	HB 202
57.961	Amended	SB 186	60.510	Amended	SB 138
57.967	Amended	SB 20	67.145	Amended	HB 402
57.967	Amended	SB 75	67.145	Amended	SB 24
57.967	Amended	SB 186	67.145	Amended	SB 186
57.991	Amended	SB 20	67.145	Vetoed	SB 189
57.991	Amended	SB 75	68.080	New	HB 202
57.991	Amended	SB 186	68.080	New	SB 138
60.401	Amended	HB 202	70.631	Amended	SB 24
60.401	Amended	SB 138	70.631	Amended	SB 186
60.410	Amended	HB 202	70.631	Vetoed	SB 189
60.410	Repealed	SB 138	84.344	Amended	SB 186
60.411	New	SB 138	84.344	Vetoed	SB 189
60.421	Repealed	HB 202	84.480	Amended	SB 186
60.421	Repealed	SB 138	84.480	Vetoed	SB 189
60.431	Amended	HB 202	84.510	Amended	SB 186
60.431	Amended	SB 138	84.510	Vetoed	SB 189
60.441	Amended	HB 202	86.253	Amended	SB 20
60.441	Amended	SB 138	86.253	Amended	SB 75
60.451	Repealed	HB 202	86.254	Amended	SB 20
60.451	Repealed	SB 138	86.254	Amended	SB 75
60.471	Amended	HB 202	86.280	Amended	SB 20
60.471	Amended	SB 138	86.280	Amended	SB 75
60.480	Amended	HB 202	86.283	Amended	SB 20
60.480	Amended	SB 138	86.283	Amended	SB 75
60.491	Repealed	HB 202	86.287	Amended	SB 20
60.491	Repealed	SB 138	86.287	Amended	SB 75
60.496	New	SB 138	94.900	Amended	SB 186

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
102ND GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
94.902	Amended	SB 186	104.515	Amended	SB 75
104.010	Amended	SB 20	104.625	Amended	SB 20
101.010	Amended	SB 75	104.625	Amended	SB 75
104.020	Amended	SB 20	104.810	Amended	SB 20
104.020	Amended	SB 75	104.810	Amended	SB 75
104.035	Amended	SB 20	104.1003	Amended	SB 20
104.035	Amended	SB 75	104.1003	Amended	SB 75
104.090	Amended	SB 20	104.1018	Amended	SB 20
104.090	Amended	SB 75	104.1018	Amended	SB 75
104.130	Repealed	SB 20	104.1024	Amended	SB 20
104.130	Repealed	SB 75	104.1024	Amended	SB 75
104.160	Amended	SB 20	104.1039	Amended	SB 20
104.160	Amended	SB 75	104.1039	Amended	SB 75
104.170	Amended	SB 20	104.1051	Amended	SB 20
104.170	Amended	SB 75	104.1051	Amended	SB 75
104.200	Amended	SB 20	104.1060	Amended	SB 20
104.200	Amended	SB 75	104.1060	Amended	SB 75
104.312	Amended	SB 20	104.1066	Amended	SB 20
104.312	Amended	SB 75	104.1066	Amended	SB 75
104.380	Amended	SB 20	104.1072	Amended	SB 20
104.380	Amended	SB 75	104.1072	Amended	SB 75
104.410	Amended	SB 20	104.1084	Amended	SB 20
104.410	Amended	SB 75	104.1084	Amended	SB 75
104.436	Amended	SB 20	104.1091	Amended	SB 20
104.436	Amended	SB 75	104.1091	Amended	SB 75
104.490	Amended	SB 20	105.500	Amended	HB 402
104.490	Amended	SB 75	105.500	Amended	SB 24
104.515	Amended	SB 20	105.950	Amended	SB 111

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
102ND GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
105.1114	Amended	SB 111	160.2720	Amended	HB 417
105.1500	Amended	SB 28	160.2720	Amended	HB 447
105.1600	New	HB 417	160.2725	Amended	HB 417
135.327	Amended	SB 24	160.2725	Amended	HB 447
135.331	Amended	SB 24	161.243	New	HB 447
135.333	Amended	SB 24	161.244	New	SB 24
135.457	New	HB 417	161.396	New	HB 447
135.750	Amended	SB 94	163.024	Amended	SB 109
135.753	New	SB 94	163.048	New	SB 39
135.772	Amended	SB 138	163.063	New	HB 447
135.775	Amended	HB 202	167.019	Amended	HB 447
135.775	Amended	SB 138	167.027	New	SB 106
135.778	Amended	HB 202	167.126	Amended	HB 447
135.778	Amended	SB 138	168.082	New	SB 20
137.1050	New	SB 190	168.082	New	SB 75
143.022	Amended	HB 202	169.070	Amended	SB 20
143.022	Amended	SB 138	169.070	Amended	SB 75
143.114	Amended	SB 20	169.141	Amended	SB 75
143.121	Amended	HB 202	169.331	Amended	SB 20
143.121	Amended	SB 25	169.331	Amended	SB 75
143.121	Amended	SB 138	169.560	Amended	SB 20
143.124	Amended	SB 190	169.560	Amended	SB 75
143.125	Amended	SB 190	169.596	Amended	SB 20
144.020	Amended	SB 398	169.596	Amended	SB 75
144.070	Amended	SB 398	169.715	Amended	SB 75
160.527	New	HB 447	170.310	Amended	SB 24
160.2705	Amended	HB 417	170.310	Amended	SB 186
160.2705	Amended	HB 447	170.310	Vetoed	SB 189

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
102ND GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
170.341	New	SB 34	190.255	Amended	SB 186
171.097	New	SB 40	190.327	Amended	SB 24
173.280	Amended	HB 417	190.327	Amended	SB 186
173.280	Amended	HB 447	190.460	Amended	SB 24
173.1205	Amended	SB 20	190.460	Amended	SB 186
173.1205	Amended	SB 75	190.600	Amended	HB 402
190.091	Amended	SB 24	190.600	Amended	SB 45
190.091	Amended	SB 186	190.600	Amended	SB 106
190.091	Vetoed	SB 189	190.603	Amended	HB 402
190.100	Amended	HB 402	190.603	Amended	SB 45
190.100	Amended	SB 24	190.603	Amended	SB 106
190.100	Amended	SB 186	190.606	Amended	HB 402
190.103	Amended	HB 402	190.606	Amended	SB 45
190.103	Amended	SB 24	190.606	Amended	SB 106
190.103	Amended	SB 186	190.612	Amended	HB 402
190.134	Repealed	HB 402	190.612	Amended	SB 45
190.134	Repealed	SB 24	190.612	Amended	SB 106
190.134	Repealed	SB 186	190.613	New	HB 402
190.142	Amended	HB 402	190.613	New	SB 45
190.142	Amended	SB 24	190.613	New	SB 106
190.142	Amended	SB 186	190.1010	New	SB 24
190.147	Amended	HB 402	190.1010	New	SB 186
190.147	Amended	SB 24	190.1010	Vetoed	SB 189
190.147	Amended	SB 186	191.240	New	HB 402
190.255	Amended	SB 24	191.240	New	SB 45
190.255	Amended	SB 45	191.240	New	SB 106
190.255	Amended	SB 70	191.305	Amended	HB 402
190.255	Amended	SB 157	191.430	New	HB 402

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
102ND GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
191.430	New	SB 45	191.500	Repealed	SB 157
191.430	New	SB 70	191.505	Repealed	HB 402
191.430	New	SB 106	191.505	Repealed	SB 45
191.430	New	SB 157	191.505	Repealed	SB 70
191.435	New	HB 402	191.505	Repealed	SB 106
191.435	New	SB 45	191.505	Repealed	SB 157
191.435	New	SB 70	191.510	Repealed	HB 402
191.435	New	SB 106	191.510	Repealed	SB 45
191.435	New	SB 157	191.510	Repealed	SB 70
191.440	New	HB 402	191.510	Repealed	SB 106
191.440	New	SB 45	191.510	Repealed	SB 157
191.440	New	SB 70	191.515	Repealed	HB 402
191.440	New	SB 106	191.515	Repealed	SB 45
191.440	New	SB 157	191.515	Repealed	SB 70
191.445	New	HB 402	191.515	Repealed	SB 106
191.445	New	SB 45	191.515	Repealed	SB 157
191.445	New	SB 70	191.520	Repealed	HB 402
191.445	New	SB 106	191.520	Repealed	SB 45
191.445	New	SB 157	191.520	Repealed	SB 70
191.450	New	HB 402	191.520	Repealed	SB 106
191.450	New	SB 45	191.520	Repealed	SB 157
191.450	New	SB 70	191.525	Repealed	HB 402
191.450	New	SB 106	191.525	Repealed	SB 45
191.450	New	SB 157	191.525	Repealed	SB 70
191.500	Repealed	HB 402	191.525	Repealed	SB 106
191.500	Repealed	SB 45	191.525	Repealed	SB 157
191.500	Repealed	SB 70	191.530	Repealed	HB 402
191.500	Repealed	SB 106	191.530	Repealed	SB 45

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
102ND GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
191.530	Repealed	SB 70	191.600	Amended	SB 45
191.530	Repealed	SB 106	191.600	Amended	SB 70
191.530	Repealed	SB 157	191.600	Amended	SB 106
191.535	Repealed	HB 402	191.600	Amended	SB 157
191.535	Repealed	SB 45	191.828	Amended	HB 402
191.535	Repealed	SB 70	191.828	Amended	SB 45
191.535	Repealed	SB 106	191.828	Amended	SB 70
191.535	Repealed	SB 157	191.828	Amended	SB 106
191.540	Repealed	HB 402	191.828	Amended	SB 157
191.540	Repealed	SB 45	191.831	Amended	HB 402
191.540	Repealed	SB 70	191.831	Amended	SB 45
191.540	Repealed	SB 106	191.831	Amended	SB 70
191.540	Repealed	SB 157	191.831	Amended	SB 106
191.545	Repealed	HB 402	191.831	Amended	SB 157
191.545	Repealed	SB 45	191.1720	New	SB 49
191.545	Repealed	SB 70	191.1820	New	HB 402
191.545	Repealed	SB 106	191.1825	New	HB 402
191.545	Repealed	SB 157	191.1830	New	HB 402
191.550	Repealed	HB 402	191.1835	New	HB 402
191.550	Repealed	SB 45	191.1840	New	HB 402
191.550	Repealed	SB 70	191.1845	New	HB 402
191.550	Repealed	SB 106	191.1850	New	HB 402
191.550	Repealed	SB 157	191.1855	New	HB 402
191.592	New	HB 417	192.530	New	HB 402
191.592	New	SB 45	192.530	Repealed	SB 24
191.592	New	SB 106	192.530	Repealed	SB 70
191.592	New	SB 157	192.530	Repealed	SB 157
191.600	Amended	HB 402	192.745	Amended	HB 402

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
102ND GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
192.775	New	SB 106	195.203	Repealed	HB 202
192.945	Repealed	HB 202	195.203	Repealed	SB 138
192.947	Repealed	HB 202	195.206	Amended	SB 24
192.2405	Amended	HB 402	195.206	Amended	SB 45
192.2405	Amended	SB 24	195.206	Amended	SB 70
192.2405	Amended	SB 186	195.206	Amended	SB 157
193.145	Amended	SB 157	195.206	Amended	SB 186
193.175	Amended	SB 116	195.207	Amended	HB 202
193.265	Amended	SB 28	195.740	Repealed	HB 202
193.265	Amended	SB 157	195.740	Repealed	SB 138
194.010	Amended	SB 116	195.743	Repealed	HB 202
194.020	Repealed	SB 116	195.743	Repealed	SB 138
194.060	Repealed	SB 116	195.746	Repealed	HB 202
194.070	Repealed	SB 116	195.746	Repealed	SB 138
194.080	Repealed	SB 116	195.749	Repealed	HB 202
194.090	Repealed	SB 116	195.749	Repealed	SB 138
194.100	Repealed	SB 116	195.752	Repealed	HB 202
194.105	Amended	SB 116	195.752	Repealed	SB 138
194.110	Repealed	SB 116	195.756	Repealed	HB 202
194.119	Amended	SB 116	195.756	Repealed	SB 138
194.300	Amended	HB 402	195.758	Repealed	HB 202
195.070	Amended	HB 115	195.758	Repealed	SB 138
195.070	Amended	HB 402	195.764	Repealed	HB 202
195.070	Amended	SB 70	195.764	Repealed	SB 138
195.070	Amended	SB 157	195.767	Repealed	HB 202
195.100	Amended	HB 402	195.767	Repealed	SB 138
195.100	Amended	SB 70	195.773	Repealed	HB 202
195.100	Amended	SB 157	195.773	Repealed	SB 138

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
102ND GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
195.817	New	SB 28	208.072	Amended	SB 45
195.817	New	SB 40	208.146	Amended	SB 45
195.817	New	SB 186	208.146	Amended	SB 106
196.311	Amended	HB 202	208.151	Amended	SB 45
196.311	Amended	SB 138	208.151	Amended	SB 106
196.316	Amended	HB 202	208.152	Amended	SB 49
196.316	Amended	SB 138	208.186	New	SB 45
196.1050	Amended	HB 402	208.186	New	SB 106
196.1050	Amended	SB 45	208.239	New	SB 45
196.1050	Amended	SB 106	208.239	New	SB 106
197.005	Amended	HB 402	208.662	Amended	SB 45
197.020	Amended	HB 402	208.662	Amended	SB 106
197.020	Amended	SB 24	208.1032	Amended	HB 402
197.020	Amended	SB 45	208.1032	Amended	SB 24
197.020	Amended	SB 106	208.1032	Amended	SB 186
197.145	New	HB 402	209.700	New	SB 45
197.185	New	HB 402	209.700	New	SB 106
205.375	Amended	HB 402	210.305	Amended	SB 186
205.377	New	HB 402	210.493	Amended	SB 40
205.565	Amended	HB 447	210.565	Amended	SB 186
208.030	Amended	HB 402	210.795	New	SB 186
208.030	Amended	SB 106	210.1360	New	HB 447
208.035	New	SB 45	210.1360	New	SB 28
208.035	New	SB 106	210.1360	New	SB 45
208.053	Amended	SB 45	210.1360	New	SB 103
208.053	Amended	SB 106	210.1360	New	SB 106
208.066	New	SB 45	211.031	Vetoed	SB 189
208.066	New	SB 106	211.071	Vetoed	SB 189

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
102ND GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
211.600	Vetoed	SB 189	227.827	New	SB 127
217.230	Amended	SB 49	227.828	New	SB 127
217.345	Vetoed	SB 189	227.829	New	SB 127
217.690	Vetoed	SB 189	227.831	New	SB 127
217.785	Repealed	SB 103	227.832	New	SB 127
221.120	Amended	SB 49	227.834	New	SB 139
226.1150	Amended	SB 127	227.835	New	SB 127
226.1150	Amended	SB 139	227.836	New	SB 127
226.1160	New	SB 127	227.837	New	SB 127
226.1160	New	SB 139	256.700	Amended	SB 109
227.296	New	SB 127	256.710	Amended	SB 109
227.296	New	SB 139	256.800	New	HB 202
227.297	Amended	SB 127	256.800	New	SB 109
227.297	Amended	SB 139	256.800	New	SB 138
227.299	Amended	SB 127	259.080	Amended	SB 109
227.299	Amended	SB 139	260.262	Amended	SB 109
227.441	Amended	SB 127	260.273	Amended	SB 109
227.539	Amended	SB 127	260.380	Amended	SB 109
227.798	New	SB 127	260.392	Amended	SB 109
227.818	New	SB 127	260.475	Amended	SB 109
227.819	New	SB 127	261.265	Repealed	HB 202
227.820	New	SB 127	261.265	Repealed	SB 138
227.821	New	SB 127	262.911	New	HB 202
227.822	New	SB 139	262.911	New	SB 138
227.823	New	SB 127	281.102	Amended	SB 138
227.824	New	SB 127	281.102	Amended	SB 157
227.825	New	SB 127	285.040	Amended	HB 402
227.826	New	SB 127	285.040	Amended	SB 24

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
102ND GENERAL ASSEMBLY, FIRST REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
285.040	Amended	SB 186	287.067	Vetoed	SB 189
285.040	Vetoed	SB 189	287.245	Amended	SB 24
285.1000	New	SB 20	287.245	Amended	SB 186
285.1000	New	SB 75	287.245	Vetoed	SB 189
285.1005	New	SB 20	287.690	Amended	SB 101
285.1005	New	SB 75	287.715	Amended	SB 24
285.1010	New	SB 20	287.900	Repealed	SB 101
285.1010	New	SB 75	287.902	Repealed	SB 101
285.1015	New	SB 20	287.905	Repealed	SB 101
285.1015	New	SB 75	287.907	Repealed	SB 101
285.1020	New	SB 20	287.909	Repealed	SB 101
285.1020	New	SB 75	287.910	Repealed	SB 101
285.1025	New	SB 20	287.912	Repealed	SB 101
285.1025	New	SB 75	287.915	Repealed	SB 101
285.1030	New	SB 20	287.917	Repealed	SB 101
285.1030	New	SB 75	287.919	Repealed	SB 101
285.1035	New	SB 20	287.920	Repealed	SB 101
285.1035	New	SB 75	287.921	New	SB 101
285.1040	New	SB 20	288.220	Amended	SB 111
285.1040	New	SB 75	293.030	Amended	SB 109
285.1045	New	SB 20	301.3175	Amended	SB 186
285.1045	New	SB 75	302.768	Amended	SB 167
285.1050	New	SB 20	303.420	New	SB 398
285.1050	New	SB 75	303.422	New	SB 398
285.1055	New	SB 20	303.425	New	SB 398
285.1055	New	SB 75	303.430	New	SB 398
287.067	Amended	SB 24	303.440	New	SB 398
287.067	Amended	SB 186	304.180	Amended	HB 202

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
304.180	Amended	SB 138	334.100	Amended	HB 115
304.820	Repealed	SB 398	334.100	Amended	SB 51
304.822	New	SB 398	334.100	Amended	SB 70
307.018	Vetoed	SB 189	334.100	Amended	SB 106
320.210	Amended	SB 186	334.100	Amended	SB 157
320.336	Amended	SB 24	334.104	Amended	HB 115
320.400	Amended	SB 24	334.104	Amended	HB 402
320.400	Amended	SB 186	334.104	Amended	SB 45
320.400	Vetoed	SB 189	334.104	Amended	SB 70
321.225	Amended	HB 402	334.104	Amended	SB 157
321.225	Amended	SB 24	334.506	Amended	HB 115
321.225	Amended	SB 186	334.506	Amended	SB 51
321.246	Amended	SB 186	334.506	Amended	SB 70
321.620	Amended	HB 402	334.506	Amended	SB 106
321.620	Amended	SB 24	334.506	Amended	SB 157
321.620	Amended	SB 186	334.613	Amended	HB 115
323.100	Amended	HB 202	334.613	Amended	SB 51
323.100	Amended	SB 138	334.613	Amended	SB 70
324.520	Amended	SB 70	334.613	Amended	SB 106
324.520	Amended	SB 157	334.613	Amended	SB 157
331.020	Amended	SB 157	334.735	Amended	HB 402
331.060	Amended	SB 157	334.735	Amended	SB 70
334.036	Amended	HB 115	334.735	Amended	SB 157
334.036	Amended	HB 402	334.747	Amended	HB 402
334.036	Amended	SB 70	334.747	Amended	SB 70
334.036	Amended	SB 157	334.747	Amended	SB 157
334.043	Amended	SB 70	334.1600	New	SB 70
334.043	Amended	SB 157	334.1600	New	SB 157

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
334.1605	New	SB 70	334.1675	New	SB 70
334.1605	New	SB 157	334.1675	New	SB 157
334.1610	New	SB 70	334.1680	New	SB 70
334.1610	New	SB 157	334.1680	New	SB 157
334.1615	New	SB 70	334.1685	New	SB 70
334.1615	New	SB 157	334.1685	New	SB 157
334.1620	New	SB 70	334.1690	New	SB 70
334.1620	New	SB 157	334.1690	New	SB 157
334.1625	New	SB 70	334.1695	New	SB 70
334.1625	New	SB 157	334.1695	New	SB 157
334.1630	New	SB 70	334.1700	New	SB 70
334.1630	New	SB 157	334.1700	New	SB 157
334.1635	New	SB 70	334.1705	New	SB 70
334.1635	New	SB 157	334.1705	New	SB 157
334.1640	New	SB 70	334.1710	New	SB 70
334.1640	New	SB 157	334.1710	New	SB 157
334.1645	New	SB 70	334.1715	New	SB 70
334.1645	New	SB 157	334.1715	New	SB 157
334.1650	New	SB 70	334.1720	New	SB 70
334.1650	New	SB 157	334.1720	New	SB 157
334.1655	New	SB 70	335.016	Amended	HB 115
334.1655	New	SB 157	335.016	Amended	HB 402
334.1660	New	SB 70	335.016	Amended	SB 70
334.1660	New	SB 157	335.016	Amended	SB 157
334.1665	New	SB 70	335.019	Amended	HB 115
334.1665	New	SB 157	335.019	Amended	HB 402
334.1670	New	SB 70	335.019	Amended	SB 70
334.1670	New	SB 157	335.019	Amended	SB 157

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
335.036	Amended	HB 115	335.200	Amended	HB 417
335.036	Amended	HB 402	335.203	Amended	HB 402
336.036	Amended	SB 70	335.203	Amended	HB 417
336.036	Amended	SB 157	335.203	Amended	SB 45
335.046	Amended	HB 115	335.203	Amended	SB 70
335.046	Amended	HB 402	335.203	Amended	SB 106
335.046	Amended	SB 70	335.203	Amended	SB 157
335.046	Amended	SB 157	335.205	New	HB 402
335.051	Amended	HB 115	335.205	New	HB 417
335.051	Amended	HB 402	335.205	New	SB 45
335.051	Amended	SB 70	335.205	New	SB 70
335.051	Amended	SB 157	335.205	New	SB 106
335.056	Amended	HB 115	335.205	New	SB 157
335.056	Amended	HB 402	335.212	Repealed	HB 402
335.056	Amended	SB 70	335.212	Repealed	HB 417
335.056	Amended	SB 157	335.212	Repealed	SB 45
335.076	Amended	HB 115	335.212	Repealed	SB 70
335.076	Amended	HB 402	335.212	Repealed	SB 106
335.076	Amended	SB 70	335.212	Repealed	SB 157
335.076	Amended	SB 157	335.215	Repealed	HB 402
335.086	Amended	HB 115	335.215	Repealed	HB 417
335.086	Amended	HB 402	335.215	Repealed	SB 45
335.086	Amended	SB 70	335.215	Repealed	SB 70
335.086	Amended	SB 157	335.215	Repealed	SB 106
335.175	Amended	HB 115	335.215	Repealed	SB 157
335.175	Amended	HB 402	335.218	Repealed	HB 402
335.175	Amended	SB 70	335.218	Repealed	HB 417
335.175	Amended	SB 157	335.218	Repealed	SB 45

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
335.218	Repealed	SB 70	335.233	Repealed	HB 417
335.218	Repealed	SB 106	335.233	Repealed	SB 45
335.218	Repealed	SB 157	335.233	Repealed	SB 70
335.221	Repealed	HB 402	335.233	Repealed	SB 106
335.221	Repealed	HB 417	335.233	Repealed	SB 157
335.221	Repealed	SB 45	335.236	Repealed	HB 402
335.221	Repealed	SB 70	335.236	Repealed	HB 417
335.221	Repealed	SB 106	335.236	Repealed	SB 45
335.221	Repealed	SB 157	335.236	Repealed	SB 70
335.224	Repealed	HB 402	335.236	Repealed	SB 106
335.224	Repealed	HB 417	335.236	Repealed	SB 157
335.224	Repealed	SB 45	335.239	Repealed	HB 402
335.224	Repealed	SB 70	335.239	Repealed	HB 417
335.224	Repealed	SB 106	335.239	Repealed	SB 45
335.224	Repealed	SB 157	335.239	Repealed	SB 70
335.227	Repealed	HB 402	335.239	Repealed	SB 106
335.227	Repealed	HB 417	335.239	Repealed	SB 157
335.227	Repealed	SB 45	335.242	Repealed	HB 402
335.227	Repealed	SB 70	335.242	Repealed	HB 417
335.227	Repealed	SB 106	335.242	Repealed	SB 45
335.227	Repealed	SB 157	335.242	Repealed	SB 70
335.230	Repealed	HB 402	335.242	Repealed	SB 106
335.230	Repealed	HB 417	335.242	Repealed	SB 157
335.230	Repealed	SB 45	335.245	Repealed	HB 402
335.230	Repealed	SB 70	335.245	Repealed	HB 417
335.230	Repealed	SB 106	335.245	Repealed	SB 45
335.230	Repealed	SB 157	335.245	Repealed	SB 70
335.233	Repealed	HB 402	335.245	Repealed	SB 106

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
335.245	Repealed	SB 157	337.550	New	HB 115
335.248	Repealed	HB 402	337.550	New	SB 70
335.248	Repealed	HB 417	337.550	New	SB 157
335.248	Repealed	SB 45	337.615	Amended	SB 70
335.248	Repealed	SB 70	337.615	Amended	SB 157
335.248	Repealed	SB 106	337.644	Amended	SB 70
335.248	Repealed	SB 157	337.644	Amended	SB 157
335.251	Repealed	HB 402	337.665	Amended	SB 70
335.251	Repealed	HB 417	337.665	Amended	SB 157
335.251	Repealed	SB 45	337.1000	New	SB 70
335.251	Repealed	SB 70	337.1000	New	SB 157
335.251	Repealed	SB 106	337.1005	New	SB 70
335.251	Repealed	SB 157	337.1005	New	SB 157
335.254	Repealed	HB 402	337.1010	New	SB 70
335.254	Repealed	HB 417	337.1010	New	SB 157
335.254	Repealed	SB 45	337.1015	New	SB 70
335.254	Repealed	SB 70	337.1015	New	SB 157
335.254	Repealed	SB 106	337.1020	New	SB 70
335.254	Repealed	SB 157	337.1020	New	SB 157
335.257	Repealed	HB 402	337.1025	New	SB 70
335.257	Repealed	HB 417	337.1025	New	SB 157
335.257	Repealed	SB 45	337.1030	New	SB 70
335.257	Repealed	SB 70	337.1030	New	SB 157
335.257	Repealed	SB 106	337.1035	New	SB 70
335.257	Repealed	SB 157	337.1035	New	SB 157
337.510	Amended	HB 115	337.1040	New	SB 70
337.510	Amended	SB 70	337.1040	New	SB 157
337.510	Amended	SB 157	337.1045	New	SB 70

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
337.1045	New	SB 157	340.345	Amended	SB 138
337.1050	New	SB 70	340.381	Amended	HB 202
337.1050	New	SB 157	340.381	Amended	HB 417
337.1055	New	SB 70	340.381	Amended	SB 138
337.1055	New	SB 157	340.384	Amended	HB 202
337.1060	New	SB 70	340.384	Amended	HB 417
337.1060	New	SB 157	340.384	Amended	SB 138
337.1065	New	SB 70	340.387	Amended	HB 202
337.1065	New	SB 157	340.387	Amended	HB 417
337.1070	New	SB 70	340.387	Amended	SB 138
337.1070	New	SB 157	344.045	New	SB 157
337.1075	New	SB 70	344.055	New	SB 157
337.1075	New	SB 157	344.102	New	SB 157
338.010	Amended	HB 115	361.020	Amended	SB 13
338.010	Amended	SB 45	361.098	Amended	SB 13
338.010	Amended	SB 157	361.106	New	SB 13
338.012	New	HB 115	361.160	Amended	SB 13
338.012	New	SB 45	361.260	Amended	SB 13
338.012	New	SB 157	361.262	Amended	SB 13
340.200	Amended	SB 157	361.715	Amended	SB 13
340.216	Amended	SB 157	361.749	New	SB 103
340.218	Amended	SB 157	362.034	New	SB 63
340.222	Amended	SB 157	362.034	New	SB 186
340.341	Amended	HB 202	364.030	Amended	SB 13
340.341	Amended	HB 417	364.105	Amended	SB 13
340.341	Amended	SB 138	365.030	Amended	SB 13
340.345	Amended	HB 202	367.140	Amended	SB 13
340.345	Amended	HB 417	375.1275	Amended	SB 101

**TABLE OF SECTIONS AFFECTED BY 2023 LEGISLATION,
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SECTION	ACTION	BILL	SECTION	ACTION	BILL
376.782	Amended	SB 106	407.2065	New	SB 398
376.1060	Amended	SB 45	407.2070	New	SB 398
376.1183	New	SB 106	407.2075	New	SB 398
379.316	Amended	SB 101	407.2080	New	SB 398
379.1850	New	SB 101	407.2085	New	SB 398
379.1851	New	SB 101	407.2090	New	SB 398
379.1853	New	SB 101	408.145	Amended	SB 13
379.1855	New	SB 101	408.500	Amended	SB 13
379.1857	New	SB 101	413.225	Amended	HB 202
379.1859	New	SB 101	413.225	Amended	SB 138
379.1861	New	SB 101	431.204	New	SB 103
379.1863	New	SB 101	436.550	New	SB 103
379.1865	New	SB 101	436.552	New	SB 103
379.1867	New	SB 101	436.554	New	SB 103
379.1869	New	SB 101	436.556	New	SB 103
407.302	Amended	SB 186	436.558	New	SB 103
407.640	Amended	SB 13	436.560	New	SB 103
407.812	Amended	SB 398	436.562	New	SB 103
407.828	Amended	SB 398	436.564	New	SB 103
407.2020	New	SB 398	436.566	New	SB 103
407.2025	New	SB 398	436.568	New	SB 103
407.2030	New	SB 398	436.570	New	SB 103
407.2035	New	SB 398	436.572	New	SB 103
407.2040	New	SB 398	441.740	Amended	SB 106
407.2045	New	SB 398	444.768	Amended	SB 109
407.2050	New	SB 398	444.772	Amended	SB 109
407.2055	New	SB 398	452.375	Amended	SB 35
407.2060	New	SB 398	454.1005	Amended	SB 35

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
475.040	Amended	SB 103	544.453	New	SB 186
475.275	Amended	SB 103	547.031	Vetoed	SB 189
476.055	Amended	SB 103	547.500	Vetoed	SB 189
476.521	Amended	SB 20	552.020	Amended	SB 106
476.521	Amended	SB 75	552.020	Vetoed	SB 189
476.1300	New	SB 103	552.030	Amended	SB 106
476.1300	Vetoed	SB 189	552.040	Amended	SB 106
476.1302	New	SB 103	552.050	Amended	SB 106
476.1302	Vetoed	SB 189	552.080	Amended	SB 106
476.1304	New	SB 103	556.021	Vetoed	SB 189
476.1304	Vetoed	SB 189	558.016	Vetoed	SB 189
476.1306	New	SB 103	558.019	Vetoed	SB 189
476.1306	Vetoed	SB 189	558.031	Amended	SB 186
476.1308	New	SB 103	558.031	Vetoed	SB 189
476.1308	Vetoed	SB 189	565.003	Amended	SB 227
476.1310	New	SB 103	565.240	Amended	SB 103
476.1310	Vetoed	SB 189	565.240	Vetoed	SB 189
476.1313	New	SB 103	565.258	Vetoed	SB 189
476.1313	Vetoed	SB 189	568.045	Vetoed	SB 189
485.060	Amended	SB 103	569.010	Amended	SB 186
488.435	Amended	SB 186	569.100	Amended	SB 186
488.650	Repealed	SB 103	570.010	Amended	SB 186
488.650	Vetoed	SB 189	570.030	Amended	SB 186
509.520	Amended	SB 103	571.015	Vetoed	SB 189
509.520	Vetoed	SB 189	571.030	Amended	SB 186
537.037	Amended	HB 402	571.031	Vetoed	SB 189
537.037	Amended	SB 24	571.070	Vetoed	SB 189
537.037	Amended	SB 186	575.010	Vetoed	SB 189

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
575.095	Amended	SB 186	610.021	Amended	SB 28
575.353	Vetoed	SB 189	610.021	Amended	SB 186
578.007	Vetoed	SB 189	610.140	Vetoed	SB 189
578.022	Vetoed	SB 189	620.2500	New	HB 417
578.156	New	SB 186	630.045	Amended	SB 106
579.021	Vetoed	SB 189	630.140	Amended	SB 106
579.022	Vetoed	SB 189	630.175	Amended	SB 106
579.041	New	SB 186	630.1150	New	HB 402
579.065	Vetoed	SB 189	631.120	Amended	SB 106
579.068	Vetoed	SB 189	631.135	Amended	SB 106
579.088	New	HB 402	631.140	Amended	SB 106
579.088	New	SB 24	631.150	Amended	SB 106
579.088	New	SB 45	631.165	Amended	SB 106
579.088	New	SB 70	632.005	Amended	SB 106
579.088	New	SB 186	632.150	Amended	SB 106
579.088	Vetoed	SB 189	632.155	Amended	SB 106
590.033	New	SB 186	632.300	Repealed	SB 106
590.040	Amended	SB 186	632.305	Amended	HB 402
590.080	Amended	SB 186	632.305	Amended	SB 106
590.192	Vetoed	SB 189	632.310	Amended	SB 106
590.653	Vetoed	SB 189	632.315	Amended	SB 106
590.1070	New	SB 186	632.320	Amended	SB 106
590.1075	New	SB 186	632.325	Amended	SB 106
595.209	Amended	SB 24	632.330	Amended	SB 106
595.209	Amended	SB 103	632.335	Amended	SB 106
595.209	Amended	SB 186	632.340	Amended	SB 106
595.209	Vetoed	SB 189	632.345	Amended	SB 106
600.042	Vetoed	SB 189	632.350	Amended	SB 106

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
632.355	Amended	SB 106	650.330	Vetoed	SB 189
632.370	Amended	SB 106	650.335	Amended	SB 24
632.375	Amended	SB 106	650.340	Amended	HB 402
632.385	Amended	SB 106	650.340	Amended	SB 24
632.390	Amended	SB 106	650.340	Amended	SB 186
632.392	Amended	SB 106	650.340	Vetoed	SB 189
632.395	Amended	SB 106	701.336	Amended	HB 402
632.400	Amended	SB 106	701.336	Amended	SB 106
632.410	Amended	SB 106	701.340	Amended	HB 402
632.415	Amended	SB 106	701.340	Amended	SB 106
632.420	Amended	SB 106	701.342	Amended	HB 402
632.430	Amended	SB 106	701.342	Amended	SB 106
632.440	Amended	SB 106	701.344	Amended	HB 402
632.455	Amended	SB 106	701.344	Amended	SB 106
633.125	Amended	SB 106	701.348	Amended	HB 402
640.023	New	SB 109	701.348	Amended	SB 106
640.099	Amended	SB 109	Section 1	New	HB 802
640.100	Amended	SB 109	Section 1	New	SB 24
643.079	Amended	SB 109	Section 1	New	SB 70
644.051	Amended	SB 109	Section 1	New	SB 157
644.057	Amended	SB 109	Section 1	New	SB 186
650.058	Vetoed	SB 189	Section 2	New	HB 802
650.320	Amended	HB 402	Section 3	New	HB 802
650.320	Amended	SB 24	Section 4	New	HB 802
650.320	Amended	SB 186	Section 5	New	HB 802
650.320	Vetoed	SB 189	Section 6	New	HB 802
650.330	Amended	SB 24	Section 7	New	HB 802
650.330	Amended	SB 186	Section 8	New	HB 802

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SECTION	ACTION	BILL	SECTION	ACTION	BILL
Section 9	New	HB 802	Section B	New	SB 45
Section 10	New	HB 802	Section B	New	SB 94
Section 11	New	HB 802	Section B	New	SB 101
Section B	New	HB 417	Section B	New	SB 106
Section B	New	SB 28	Section B	New	SB 157
Section B	New	SB 39	Section B	Vetoed	SB 189

The classifications of generic sections appear in the Disposition of Sections table published in the Revised Statutes of Missouri and the annual supplements.

HCS HB 1

Appropriates money to the Board of Fund Commissioners

AN ACT to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

SECTION 1.005. – To the Board of Fund Commissioners

For annual fees, arbitrage rebate, refunding, defeasance, and related expenses

From General Revenue Fund (0101) \$1,000

SECTION 1.010. – To the Board of Fund Commissioners

Funds are to be transferred out of the State Treasury to the General Revenue Fund

From Fourth State Building Bond and Interest Fund (Various) \$63,000

SECTION 1.015. – To the Board of Fund Commissioners

Funds are to be transferred out of the State Treasury to the General Revenue Fund

From Water Pollution Control Bond and Interest Fund (Various) \$143,000

SECTION 1.020. – To the Board of Fund Commissioners

Funds are to be transferred out of the State Treasury to the General Revenue Fund

From Stormwater Control Bond and Interest Fund (Various) \$14,000

Bill Totals

General Revenue Fund..... \$1,000

Approved June 30, 2023

CCS SS SCS HCS HB 2

Appropriates money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

PART 1

SECTION 2.000. – Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Elementary and Secondary Education in implementing the appropriations found in Part 1 and Part 2 of this act. An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an appropriation identified as "one-time" in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

SECTION 2.005. – To the Department of Elementary and Secondary Education for the Division of Financial and Administrative Services, provided three percent (3%) flexibility is allowed from this section to Section 2.475

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$2,521,855
Expense and Equipment (including \$500,000 one-time)	<u>686,525</u>
From General Revenue Fund (0101)	3,208,380
Personal Service.....	2,453,014
Expense and Equipment (including \$4,593 one-time).....	<u>713,596</u>
From Elementary and Secondary Education - Federal Fund (0105).....	<u>3,166,610</u>
Total (Not to exceed 79.00 F.T.E.)	\$6,374,990

SECTION 2.010. – To the Department of Elementary and Secondary Education

For refunds

From Elementary and Secondary Education - Federal Fund (0105).....	\$50,000
From Vocational Rehabilitation Fund (0104)	<u>20,000</u>
Total.....	\$70,000

SECTION 2.015. – To the Department of Elementary and Secondary Education

For distributions to the free public schools of \$4,027,129,127 under the School Foundation Program as provided in Chapter 163, RSMo, provided that no funds are used to support the distribution or sharing of any individually identifiable student data for non-educational purposes, marketing or advertising, as follows:

For the Foundation Formula, provided that the State Adequacy Target pursuant to Section 163.011 RSMo shall not exceed \$6,375 Program Distribution

From General Revenue Fund (0101)	\$1,993,646,127
From Outstanding Schools Trust Fund (0287).....	836,604,814
From Lottery Proceeds Fund (0291).....	240,685,685
From State School Moneys Fund (0616).....	229,760,057
From Classroom Trust Fund (0784)	364,134,511

For Transportation

Program Distribution

From General Revenue Fund (0101)	273,424,831
From Lottery Proceeds Fund (0291).....	73,873,102

For the Small Schools Program

Program Distribution

From General Revenue Fund (0101)	<u>15,000,000</u>
Total	\$4,027,129,127

SECTION 2.016. – To the Department of Elementary and Secondary Education

For State Board of Education operated school programs, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 2.475

Personal Service.....	\$32,587,456
Expense and Equipment.....	<u>18,181,177</u>
From General Revenue Fund (0101)	50,768,633

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	890,775
Expense and Equipment.....	<u>7,012,276</u>
From Elementary and Secondary Education - Federal Fund (0105).....	7,903,051

Expense and Equipment	
From Bingo Proceeds for Education Fund (0289).....	<u>1,876,355</u>
Total (Not to exceed 654.59 F.T.E.)	\$60,548,039

SECTION 2.017. – To the Department of Elementary and Secondary Education	
For pre-kindergarten education program grants to child care facilities as defined	
in Section 210.201, RSMo, that are licensed under Section 210.221, RSMo,	
or that are unlicensed and registered with the Department of Elementary and	
Secondary Education to serve students in the year prior to kindergarten	
eligibility in a program consistent with Section 161.213, RSMo, with	
reimbursements not to exceed \$6,375 per individual child receiving a	
minimum of 1,044 hours of instruction, with priority given to students at or	
below 185% of the federal poverty level not already receiving a full child	
care subsidy for the same instructional services	
From General Revenue Fund (0101)	\$26,084,588

SECTION 2.019. – To the Department of Elementary and Secondary Education	
For Career Ladder	
Program Distribution	
From General Revenue Fund (0101)	\$31,858,050
From Lottery Proceeds Fund (0291).....	<u>37,467,000</u>
Total.....	\$69,325,050

SECTION 2.020. – To the Department of Elementary and Secondary Education	
To provide a baseline educator salary of \$38,000	
From General Revenue Fund (0101)	\$29,410,199

SECTION 2.021. – To the Department of Elementary and Secondary Education	
For temporary administrative support staff to a public school that has recently	
experienced a traumatic event of gun violence in the past year	
From Lottery Proceeds Fund (0291) (one-time)	\$500,000

SECTION 2.022. – To the Department of Elementary and Secondary Education	
For art and music supplies for a public school that has recently experienced a	
traumatic event of gun violence in the past year	
From Lottery Proceeds Fund (0291) (one-time)	\$200,000

*SECTION 2.025. – To the Department of Elementary and Secondary Education	
For distributions to the free public schools under the Coronavirus Response and	
Relief Supplemental Appropriations Act	
From Department of Elementary and Secondary Education	
Federal Emergency Relief Fund (2305).....	\$158,900,907

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For distributions to the free public schools under the American Rescue Plan Act From Department of Elementary and Secondary Education Federal Emergency Relief 2021 Fund (2434).....	1,023,381,078
For distributions to the Department of Elementary and Secondary Education under the American Rescue Plan Act Personal Service.....	788,989
Expense and Equipment, provided twenty-five percent (25%) flexibility is allowed between programs in this subsection	
For teacher and leader training	1,224,000
For a teacher recruitment and retention grant program	19,957,126
For the Missouri Read, Lead, Exceed Program	26,016,994
For the Missouri Mathematics Mastery Program	10,326,250
For mental health support initiatives	19,100,000
For an assessment system redesign	12,958,885
For Missouri Postsecondary Advising Program	8,519,117
For a summer learning program, including summer enrichment programs provided by community-based organizations.....	16,635,440
For after school programs	16,810,326
For data system upgrades.....	640,626
For administration	6,417,396
For research and analysis	<u>1,158,200</u>
From Department of Elementary and Secondary Education Federal Emergency Relief 2021 Fund (2434).....	140,553,349
For the procurement of a chemistry and physical science online learning platform for middle school and high school students, provided the platform aligns to Missouri science standards and highlights science, technology, engineering, and mathematics and career and technical education pathways in Missouri to increase students' interest in pursuing a chemistry-related career From Department of Elementary and Secondary Education Federal Emergency Relief 2021 Fund (2434).....	2,000,000
For payments to local educational agencies for third-party vendor technology services to be distributed on the basis of weighted average daily attendance, provided that such services shall include supervision, including parental supervision, over school-issued electronic devices that includes parent or guardian control and notification, and further provided that local educational agencies shall establish a qualified third-party vendor list and a student internet data record retention policy that shall guarantee the protection of student and family privacy From Department of Elementary and Secondary Education Federal Emergency Relief 2021 Fund (2434) (one-time)	<u>3,500,000</u>
Total (Not to exceed 4.00 F.T.E).....	<u>\$1,328,335,334</u>

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$3,500,000 Department of Elementary and Secondary Education Federal Emergency Relief 2021 Fund for a technology service for supervision over school-issued electronic devices. The U.S. Department of Education dictates that ESSER funding should be used to prevent, prepare for, or respond to the COVID-19 pandemic; for construction, renovation, and minor remodeling adhering to local and state requirements; and be awarded to recipients who comply with federal award requirements. Use of ESSER III funding for this purpose would reduce the amount of aid to be distributed to local education agencies for previously planned expenditures.

For payments to local education agencies for third-party vendor technology services.
From \$3,500,000 to \$0 from Department of Elementary and Secondary Education Federal Emergency Relief 2021 Fund.
From \$1,328,335,334 to \$1,324,835,334 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 2.030.** – To the Department of Elementary and Secondary Education
For a patriotic and civics training program to prepare teachers to teach the
principles of American civics and patriotism
From General Revenue Fund (0101) \$500,000

For a not-for-profit organization that focuses on health, hunger, and hygiene
From General Revenue Fund (0101) 2,500,000

For a primary substance use prevention not-for-profit organization, located in a
county with more than one million inhabitants, with experience working on
public health campaigns for the creation and implementation of a statewide
public health campaign focused on education of adult use cannabis and the
prevention of youth cannabis usage utilizing learning management systems
and peer-taught curriculum
From General Revenue Fund (0101) 955,000

For a statewide program that assists homeless students to help them overcome
barriers to successfully find and stay in permanent housing
From Budget Stabilization Fund (0522) (one-time) 250,000

For distributions of the Governor's Emergency Education Relief Funds to the
free public schools under the Coronavirus Response and Relief
Supplemental Appropriations Act
From Department of Elementary and Secondary Education Federal
Emergency Relief Fund (2305) 9,036,438

For a teacher residency program principally located in a city with more than four
hundred thousand inhabitants and located in more than one county focused
on decreasing the number of teacher vacancies in the State of Missouri
caused by the labor loss due to the pandemic
From Department of Elementary and Secondary Education Federal
Emergency Relief Fund (2305) 100,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For distributions of the Governor's Emergency Education Relief Funds for Emergency Assistance to Non-Public schools under the Coronavirus Response and Relief Supplemental Appropriations Act, provided that no funds may be used for distributions under Section 312(d) of the Coronavirus Response and Relief Supplemental Appropriations Act	
From Department of Elementary and Secondary Education Federal Emergency Relief Fund (2305)	7,261,726
For distributions of the Governor's Emergency Education Relief Funds for Emergency Assistance to Non-Public schools under the American Rescue Plan Act, provided that no funds may be used for distributions under Section 312(d) of the Coronavirus Response and Relief Supplemental Appropriations Act	
From Department of Elementary and Secondary Education Federal Emergency Relief 2021 Fund (2434)	59,423,848
Total	\$80,027,012

*I hereby veto \$955,000 general revenue for a primary substance use prevention not-for-profit organization. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, Missouri high school students are currently required to take one half credit of health education to be eligible to receive a high school diploma. Current health education curriculum adheres to the National Health Education Standards, which includes curriculum incorporating substance use awareness. Additionally, although it does not explicitly identify a specific vendor, this appropriation appears to describe a specific vendor's platform. The department is subject to state purchasing laws set forth in Chapter 34, RSMo, and must follow those laws when selecting a vendor rather than contracting with a particular vendor.

For a primary substance use prevention not-for-profit organization.
From \$955,000 to \$0 from General Revenue Fund.
From \$80,027,012 to \$79,072,012 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 2.031.** – To the Department of Elementary and Secondary Education
For the Close the Gap Grant Program

For a one-time grant not more than \$1,500 to the parent, parents or guardians of
each eligible kindergarten through grade 12 age child to support qualifying
educational enrichment activities; these funds may be administered by a
third-party vendor, which must create a digital account for each recipient that
allows for reimbursement and for direct payment for qualified expenses; the
Department of Elementary and Secondary Education shall establish criteria

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

for qualifying expenses, which shall include but not be limited to: tutoring, extended school day educational programs, academic and arts-related day or summer camps, and educational, learning, study skills services, or services offered by local education agencies; grant awards shall be calculated in two tranches; eligible first tranche applicants shall include those applicants with incomes below 185 percent of the federal poverty level; first tranche awards shall be the lesser of \$1,500 or the quotient of the total appropriation divided by the eligible number of applicants; any amount of appropriation remaining after the first tranche distribution shall constitute the second tranche distribution; the second tranche distribution shall be equally divided among all remaining eligible applicants who did not receive a first tranche award; the Department of Elementary and Secondary Education shall establish metrics to determine usage and success of program

Program Distribution

From Budget Stabilization Fund (0522) (one-time)	\$10,500,000
From Department of Elementary and Secondary Education Federal Emergency Relief 2021 Fund (2434) (one-time)	39,500,000
Total.....	\$50,000,000

*I hereby veto \$25,000,000 federal funds for the Close the Gap Program. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. The Fiscal Year 2023 budget includes \$50 million for this program, which has not yet been expended.

From \$10,500,000 to \$0 from Budget Stabilization Fund.

From \$39,500,000 to \$25,000,000 from Department of Elementary and Secondary Education Federal Emergency Relief 2021 Fund.

From \$50,000,000 to \$25,000,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.032. – To the Department of Elementary and Secondary Education

For a summer enrichment program grant to a not-for-profit organization that inspires a brighter future for students most in need by providing opportunities to experience high-quality academics, engaging enrichment activities, and health life skills, provided that the organization has a primary office location in a city with more than twenty-seven thousand but fewer than thirty thousand inhabitants and located in a county with more than one million inhabitants, further provided that such funds be awarded through a competitive grant process

From General Revenue Fund (0101) (one-time)	\$250,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 2.037. – To the Department of Elementary and Secondary Education
 For a not-for-profit organization which is dedicated to the restoration of the sole
 remaining structure of three small school buildings that educated African
 American children in any county with more than one hundred thousand but
 fewer than one hundred twenty thousand inhabitants and with a county seat
 with more than four thousand but fewer than six thousand inhabitants before
 desegregation, provided such funds are used for building restoration,
 programming, and costs associated with developing a museum
 From General Revenue Fund (0101) (one-time) \$50,000

SECTION 2.040. – To the Department of Elementary and Secondary Education
 For the School Nutrition Services Program to reimburse schools for school food
 programs
 From General Revenue Fund (0101) \$3,412,151
 From Elementary and Secondary Education - Federal Fund (0105)
 (including \$151,175,655 one-time)..... 488,677,975

For Supply Chain Assistance Funds
 From Elementary and Secondary Education - Federal Fund (0105) (one-time) 37,551,598
 Total.....\$529,641,724

***SECTION 2.045.** – To the Department of Elementary and Secondary Education
 For a program to recruit, train, and/or develop teachers to teach in academically
 struggling school districts
 From General Revenue Fund (0101) \$1,700,000

For teacher training organizations to address learning loss and improve teacher
 recruitment efforts in a city not within a county and a city with more than
 four hundred thousand inhabitants and located in more than one county
 From General Revenue Fund (0101) 350,000
 Total.....\$2,050,000

*I hereby veto \$350,000 general revenue for teacher training organizations. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this budget includes raising baseline teacher pay to \$38,000 and additional compensation for teachers through the Career Ladder program. It also includes \$1,700,000 for teacher training and recruitment programs in urban schools. This program is a virtual teacher training organization for college junior and senior students nationwide, but there is no requirement that the funding be restricted to supporting college students located in-state. Additionally, there are no known outcome measures to indicate that this additional state investment will recruit out-of-state teachers to Missouri.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

For teacher training organizations to address learning loss and improve teacher recruitment efforts.
 From \$350,000 to \$0 from General Revenue Fund.
 From \$2,050,000 to \$1,700,000 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 2.050. – To the Department of Elementary and Secondary Education
 For planning, design, procurement, and implementation of a K-3 reading
 assessment system for preliminary identification of students at risk for
 dyslexia and related disorders including analysis of phonological and
 phonemic awareness, rapid automatic naming, alphabetic principle, phonics,
 reading fluency, spelling, reading accuracy, vocabulary, and reading
 comprehension
 From General Revenue Fund (0101) \$400,000

SECTION 2.055. – To the Department of Elementary and Secondary Education
 To reimburse school districts and charters for costs associated with reading
 assessments, designated reading programs, supplies, and other reading
 materials
 From Evidence-based Reading Instruction Program Fund (0214) \$25,000,000

SECTION 2.057. – To the Department of Elementary and Secondary Education
 For a program dedicated to educational enrichment, tutoring, and support in the
 areas of science, technology, engineering, and math serving underserved and
 low-income students in a city with more than four hundred thousand
 inhabitants and located in more than one county
 From General Revenue Fund (0101) (one-time) \$250,000

SECTION 2.060. – To the Department of Elementary and Secondary Education
 Funds are to be transferred out of the State Treasury to the STEM Career
 Awareness Program Fund
 From General Revenue Fund (0101) \$370,000

SECTION 2.065. – To the Department of Elementary and Secondary Education
 For the STEM Career Awareness Program
 From STEM Career Awareness Program Fund (0997) \$370,000

SECTION 2.070. – To the Department of Elementary and Secondary Education
 For the Office of Quality Schools
 For the Competency-Based Education Grant Program
 Expense and Equipment
 From General Revenue Fund (0101) (one-time) \$525,000
 For the Competency-Based Education Task Force
 Expense and Equipment
 From General Revenue Fund (0101) (one-time) 25,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

For the Competency-Based Education Program

Program Distribution

From Competency-Based Education Grant Program Fund (0215).....	2,000,000
Total.....	\$2,550,000

SECTION 2.075. – To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the Computer Science Education Fund

From General Revenue Fund (0101)	\$450,000
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SECTION 2.080. – To the Department of Elementary and Secondary Education

For the Office of College and Career Readiness

For Computer Science Education

Personal Service.....	\$51,801
Expense and Equipment (including \$49,593 one-time).....	62,007
From General Revenue Fund (0101)	113,808

For Computer Science Education

Program Distribution

From Computer Science Education Fund (0423)	450,000
Total (Not to exceed 1.00 F.T.E.).....	\$563,808

SECTION 2.083. – To the Department of Elementary and Secondary Education

For a nonprofit organization, located in any city with more than four hundred thousand inhabitants and located in more than one county, which provides computer training technology certificates and robotics for ages seven through seventeen

From General Revenue Fund (0101)	\$50,000
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SECTION 2.085. – To the Department of Elementary and Secondary Education

For distributions to the public elementary and secondary schools in this state, pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School District Trust Fund

From School District Trust Fund (0688)	\$1,187,660,000
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SECTION 2.090. – To the Department of Elementary and Secondary Education

For the Missouri Scholars and Fine Arts Academies

From General Revenue Fund (0101) (including \$100,000 one-time).....	\$850,000
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SECTION 2.095. – To the Department of Elementary and Secondary Education

For reimbursement grants to establish school safety programs, including training, physical security upgrades and associated technology, bleeding control kits, epinephrine auto-injectors, and automatic external defibrillators

From General Revenue Fund (0101) (one-time)	\$50,000,000
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SECTION 2.096. – To the Department of Elementary and Secondary Education

For a statewide education organization whose directors consist entirely of public school board members for a center located in any city with more than one

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

hundred twenty-five thousand but fewer than one hundred sixty thousand inhabitants to provide experienced-based realistic training for school safety officials, educators and first responders that is focused on prevention, preparedness, response, and recovery
 From General Revenue Fund (0101) (one-time)\$3,000,000

***SECTION 2.097.** – To the Department of Elementary and Secondary Education
 For instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator, pursuant to Section 170.310, RSMo
 From General Revenue Fund (0101)\$315,000

*I hereby veto \$315,000 general revenue for instruction in cardiopulmonary resuscitation. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the proposed appropriation is not sufficient to meet the statewide need. This is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project. Additionally, the budget fully funds the foundation formula. Each school district maintains discretion in allocating their resources for needs such as this.

Said section is vetoed in its entirety from \$315,000 to \$0 from General Revenue Fund.
 From \$315,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 2.100. – To the Department of Elementary and Secondary Education
 For grants to establish safe schools programs addressing active shooter response training and school safety measures, including the hiring of school counselors to provide students with mental health services pertaining to suicide and other behavioral health needs, provided that grants are to be distributed by a statewide education organization whose directors consist entirely of public school board members, and further provided three percent (3%) flexibility is allowed from this section to Section 2.475
 From General Revenue Fund (0101)\$1,000,000

***SECTION 2.103.** – To the Department of Elementary and Secondary Education
 For a statewide school safety software that sends notifications to school security and preparedness personnel. Notifications shall include a plain language description of the incident approved by the agency that answered the call, the name of the agency, and information as assigned to the incident by dispatch. Notifications shall be sent in real-time as 911 dispatch receives this information. The service shall provide any Missouri public safety agency

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 Matter in bold-face type is proposed language.

with access to school emergency plans when a call for service originates
from a school within the agency's service area.
From General Revenue Fund (0101)\$2,500,000

*I hereby veto \$2,500,000 general revenue for a statewide school safety software. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, although it does not explicitly identify a specific vendor, this appropriation appears to describe a specific vendor's platform. The department is subject to state purchasing laws set forth in Chapter 34, RSMo, and must follow those laws when selecting a vendor rather than contracting with a particular vendor. Additionally, this duplicates a program already being provided by the Department of Public Safety. Outcome measures are necessary before the state can consider expanding the program further.

Said section is vetoed in its entirety from \$2,500,000 to \$0 from General Revenue Fund.
From \$2,500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 2.104.** – To the Department of Elementary and Secondary Education
For a statewide association organized for the purpose of supporting rural schools
and their boards of education to provide school board member training
From General Revenue Fund (0101)\$25,000

*I hereby veto \$25,000 general revenue for providing school board member training. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the proposed appropriation is not sufficient to meet the statewide need. This is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$25,000 to \$0 from General Revenue Fund.
From \$25,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 2.105. – To the Department of Elementary and Secondary Education

For a school-based mental health coordinator

Personal Service.....\$86,960

Expense and Equipment.....20,000

From General Revenue Fund (0101) (Not to exceed 1.00 F.T.E.)\$106,960

SECTION 2.107. – To the Department of Elementary and Secondary EducationFor the creation of a recovery high school, pursuant to Section 167.850, RSMo,
located in any county with more than two hundred thirty thousand but fewer
than two hundred sixty thousand inhabitants

From General Revenue Fund (0101) (one-time)\$500,000

SECTION 2.110. – To the Department of Elementary and Secondary Education

For the Virtual Schools Program

From General Revenue Fund (0101)\$200,000

From Lottery Proceeds Fund (0291)389,778

For a statewide, competitively-bid virtual education program developed by a
public K-12 institution

From General Revenue Fund (0101)500,000

Total.....\$1,089,778

SECTION 2.115. – To the Department of Elementary and Secondary Education

For costs associated with school district bonds

From School District Bond Fund (0248).....\$492,000

SECTION 2.120. – To the Department of Elementary and Secondary EducationFor receiving and expending grants, donations, contracts, and payments from
private, federal, and other governmental agencies which may become
available between sessions of the General Assembly provided that the General
Assembly shall be notified of the source of any new funds and the purpose for
which they shall be expended, in writing, prior to the use of said funds

Personal Service.....\$4,014

Expense and Equipment.....46,500

From Vocational Rehabilitation Fund (0104)50,514

Expense and Equipment

From Elementary and Secondary Education - Federal Fund (0105)6,000,000

Total.....\$6,050,514

SECTION 2.125. – To the Department of Elementary and Secondary EducationFor the Commissioner of Education to provide funds to public schools, eligible
for Federal E-rate reimbursement, to be used as a state match of up to ten
percent (10%) of E-rate eligible special construction costs under the Federal
E-rate program pursuant to 47 CFR 54.505, and to provide additional funds
to eligible public schools in the amount necessary to bring the total support
from Federal universal service combined with state funds under this section

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

to one hundred percent (100%) of E-rate eligible special construction costs, provided that no funds are used to construct broadband facilities to schools and libraries where such facilities already exist providing at least 100mbps symmetrical service; and further provided that to the extent such funds are used to construct broadband facilities, the construction, ownership and maintenance of such facilities shall be procured through a competitive bidding process; and further provided that funds shall only be expended for telecommunications, telecommunications services, and internet access and no funds shall be expended for internal connections, managed internal broadband services, or basic maintenance of internal connections

From School Broadband Fund (0208) \$300,000

SECTION 2.130. – To the Department of Elementary and Secondary Education For the Division of Learning Services, provided three percent (3%) flexibility is allowed from this section to Section 2.475, and further provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.185, the Vocational Rehabilitation funds in Section 2.250, and the Disability Determination funds in Section 2.255

Personal Service..... \$4,396,172

Expense and Equipment (including \$11,965 one-time)..... 406,622

From General Revenue Fund (0101) 4,802,794

Personal Service..... 7,368,515

Expense and Equipment (including \$4,593 one-time)..... 3,734,722

From Elementary and Secondary Education - Federal Fund (0105) 11,103,237

Personal Service..... 901,888

Expense and Equipment..... 2,319,415

From Excellence in Education Fund (0651)..... 3,221,303

For the Office of Adult Learning and Rehabilitative Services

Personal Service..... 37,713,904

Expense and Equipment..... 3,681,015

From Vocational Rehabilitation Fund (0104) 41,394,919

Total (Not to exceed 864.51 F.T.E) \$60,522,253

SECTION 2.135. – To the Department of Elementary and Secondary Education For funding an early literacy program targeting third grade reading success in academically struggling school districts which provides a full continuum of school-based, early literacy intervention services, for all grades Pre-K through third grade, consisting of developmentally appropriate components for each grade delivered each day school is in session by professionally coached, full-time interventionists who collect data regularly and use an intervention model that is comprehensive, has been proven to be effective in one or more

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empirical studies, and is provided by a not-for-profit organization to a Local Education Agency or community-based early childhood center
 From General Revenue Fund (0101) \$455,000

SECTION 2.137. – To the Department of Elementary and Secondary Education
 For a nonprofit organization, located in any city with more than four hundred thousand inhabitants and located in more than one county, which provides a literacy enrichment program with goals to get children to their reading level
 From General Revenue Fund (0101) (one-time) \$250,000

SECTION 2.138. – To the Department of Elementary and Secondary Education
 For a nonprofit organization, located in any city with more than four hundred thousand inhabitants and located in more than one county, to provide a summer literacy enrichment program with goals to get children to their reading level and provide leadership development programs
 From General Revenue Fund (0101) (one-time) \$100,000

SECTION 2.140. – To the Department of Elementary and Secondary Education
 For the Performance Based Assessment Program, provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.185, the Vocational Rehabilitation funds in Section 2.250, and the Disability Determination funds in Section 2.255, and further provided that no funds from this section shall be used for license fees or membership dues for the Smarter Balanced Assessment Consortium
 From General Revenue Fund (0101) \$8,972,212
 From Elementary and Secondary Education - Federal Fund (0105) 8,567,585
 From Lottery Proceeds Fund (0291) 4,311,255
 Total \$21,851,052

***SECTION 2.143.** – To the Department of Elementary and Secondary Education
 For grants to establish a mental health digital referral platform to refer students, with the consent of a parent or legal guardian, for medical and behavioral health care to providers that can offer their services to students in need, provided that grants are to be distributed by a statewide education organization whose directors consist entirely of public school board members
 From General Revenue Fund (0101) (one-time) \$1,700,000

*I hereby veto \$1,700,000 general revenue for grants to establish a mental health digital referral platform for students. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we

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 Matter in bold-face type is proposed language.

will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, although it does not explicitly identify a specific vendor, this appropriation appears to describe a specific vendor's platform. The department is subject to state purchasing laws set forth in Chapter 34, RSMo, and must follow those laws when selecting a vendor rather than contracting with a particular vendor. Additionally, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project. The budget fully funds the foundation formula. Each school district maintains discretion in allocating their resources for these kinds of services as there is interest.

Said section is vetoed in its entirety from \$1,700,000 to \$0 from General Revenue Fund.
From \$1,700,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.145. – To the Department of Elementary and Secondary Education
For the design, renovation, construction, and improvements of career and
technical schools; provided that costs are shared at ratio of fifty percent state
and fifty percent local
From General Revenue Fund (0101)\$5,500,000

SECTION 2.147. – To the Department of Elementary and Secondary Education
For a school district located in any city with more than seventy-one thousand but
fewer than seventy-nine thousand inhabitants for equipment purchases and
upgrades in technical programs located in any city with more than seventy-
one thousand but fewer than seventy-nine thousand inhabitants, provided
that no local match is required
From General Revenue Fund (0101) (one-time)\$6,000,000

SECTION 2.148. – To the Department of Elementary and Secondary Education
For the construction of a new building to provide advanced workforce
development for a school district located in any city with more than one
thousand sixty but fewer than one thousand one hundred seventy inhabitants
and located in a county with more than thirty thousand but fewer than thirty-
five thousand inhabitants and with a county seat with more than two hundred
but fewer than nine hundred inhabitants for a technical school, provided no
local match be required
From General Revenue Fund (0101) (one-time)\$17,000,000

SECTION 2.149. – To the Department of Elementary and Secondary Education
For a school district located in any city with more than thirty-six thousand five
hundred but fewer than forty thousand inhabitants for equipment, design,
renovation, construction, and improvements of a career and technical school
located in any city with more than thirty-six thousand five hundred but fewer
than forty thousand inhabitants, provided that no local match be required
From General Revenue Fund (0101) (one-time)\$5,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 2.150. – To the Department of Elementary and Secondary Education
For Career and Technical Education, provided that no funds are used for
advertising
From General Revenue Fund (0101)\$50,070,590

For distributions to providers of career and technical education programs
From Elementary and Secondary Education - Federal Fund (0105) 28,000,000
Total.....\$78,070,590

SECTION 2.153. – To the Department of Elementary and Secondary Education
For a school district located in any city with more than sixteen thousand but
fewer than eighteen thousand inhabitants and partially located in a county
with more than thirty-five thousand but fewer than forty thousand
inhabitants for equipment, design, renovation, construction, and
improvements of a career and technical school, that host nine regional high
schools, located in any city with more than sixteen thousand but fewer than
eighteen thousand inhabitants and partially located in a county with more
than thirty-five thousand but fewer than forty thousand inhabitants, provided
that no local match be required
From General Revenue Fund (0101) (one-time)\$1,000,000

SECTION 2.155. – To the Department of Elementary and Secondary Education
For supporting and expanding Registered Youth Apprenticeship programs
From General Revenue Fund (0101)\$495,000

SECTION 2.158. – To the Department of Elementary and Secondary Education
For the procurement, implementation, and maintenance of a skills evaluation
platform for students in grades eight through twelve to complete an online
individual career and academic plan and navigate available career pathways,
education, military, post-secondary workforce opportunities in a secure and
non-identifying manner, provided that the platform shall utilize data sources
from a content model that identifies the most important types of information
about work and integrates them into a theoretically and empirically sound
system; embodies a view that reflects the character of occupations, via
job-oriented descriptor, and people, via worker-oriented descriptors; allows
occupational information to be applied across jobs, sectors, or industries,
cross-occupational descriptors and within occupations, occupational-specific
descriptors; and includes descriptors that are organized into six major
domains, which enable the user to focus on areas of information that specify
the key attributes and characteristics of workers and occupations
From General Revenue Fund (0101)\$2,500,000

***SECTION 2.159.** – To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the Postsecondary
Advising Fund
From General Revenue Fund (0101) (one-time)\$3,500,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$3,500,000 general revenue for transfer to the Postsecondary Advising Fund. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a transfer into a fund that has no spending authority. Additionally, this program provides one-time state funding to support ongoing program costs, which could possibly jeopardize the program's future sustainability.

Said section is vetoed in its entirety from \$3,500,000 to \$0 from General Revenue Fund.
From \$3,500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.160. – To the Department of Elementary and Secondary Education
For dyslexia programs, provided three percent (3%) flexibility is allowed from
this section to Section 2.475
From General Revenue Fund (0101) \$600,020

SECTION 2.165. – To the Department of Elementary and Secondary Education
For the Missouri Healthy Schools, Successful Students Program
From Elementary and Secondary Education - Federal Fund (0105) \$383,148

SECTION 2.170. – To the Department of Elementary and Secondary Education
For the Missouri Project AWARE program to address the mental health needs
of youth
From Elementary and Secondary Education - Federal Fund (0105) \$1,706,933

***SECTION 2.173.** – To the Department of Elementary and Secondary Education
For research based youth digital mental health services, provided through a
three-pathway approach that includes access to a peer support community,
self-guided therapeutic tools, and real time text therapy
From General Revenue Fund (0101) \$3,000,000

*I hereby veto \$3,000,000 general revenue for youth digital mental health services. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the Fiscal Year 2024 budget invests over \$35 million in 988 mental health

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Matter in bold-face type is proposed language.

hotline infrastructure to assist citizens statewide experiencing a mental health emergency. This program would be duplicative of those investments.

Said section is vetoed in its entirety from \$3,000,000 to \$0 from General Revenue Fund.
From \$3,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.175. – To the Department of Elementary and Secondary Education
For the Comprehensive Literacy Development Program
From Elementary and Secondary Education - Federal Fund (0105).....\$4,299,143

SECTION 2.180. – To the Department of Elementary and Secondary Education
For a public school district located within a city not within a county, a
district-wide innovative "Literacy Course" reading tiered systematic
intervention program using reading teachers and academic instructional
coaches who will model literacy lessons for classroom teachers and provide
support for individual students with reading deficiencies, and determine
reading tiers and track student progress; provided that each student has an
Individualized Reading Plan to monitor their progress over time as they enter
each grade
From General Revenue Fund (0101).....\$2,500,000

SECTION 2.185. – To the Department of Elementary and Secondary Education
For improving the academic achievement of the disadvantaged programs
operated by local education agencies under Title I of the Elementary and
Secondary Education Act of 1965 as amended by the Every Student
Succeeds Act of 2015, provided twenty-five percent (25%) flexibility is
allowed from this section to Section 2.325
From Elementary and Secondary Education - Federal Fund (0105).....\$247,840,470

***SECTION 2.190.** – To the Department of Elementary and Secondary Education
For facilitating the identification, enrollment, attendance, and success in school
of homeless children and youths under Title IX, Part A of the Elementary
and Secondary Education Act of 1965 as amended by the Every Student
Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105).....\$1,400,000
From School Broadband Fund (0208)..... 200,000

For facilitating the identification, enrollment, attendance, and success in school
of homeless children and youths as authorized by the American Rescue Plan
Act
From Department of Elementary and Secondary Education Federal
Emergency Relief 2021 Fund (2434)..... 12,749,932
Total.....\$14,349,932

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$200,000 School Broadband Fund for facilitating the success of homeless children and youth. This is not an appropriate use of the School Broadband Fund.

For facilitating the identification, enrollment, attendance, and success in school of homeless children and youths under Title IX, Part A of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015.

From \$200,000 to \$0 from School Broadband Fund.

From \$14,349,932 to \$14,149,932 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.195. – To the Department of Elementary and Secondary Education
For programs for the gifted from interest earnings accruing in the Stephen
Morgan Ferman Memorial for Education of the Gifted
From State School Moneys Fund (0616)..... \$9,027

SECTION 2.200. – To the Department of Elementary and Secondary Education
For the Supporting Effective Instruction Grants Program pursuant to Title II of
the Elementary and Secondary Education Act of 1965 as amended by the
Every Student Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105).....\$38,358,756

SECTION 2.205. – To the Department of Elementary and Secondary Education
For the Rural Education Initiative grants pursuant to Title V, Part B of the
Elementary and Secondary Education Act of 1965 as amended by the Every
Student Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105).....\$3,225,567

SECTION 2.210. – To the Department of Elementary and Secondary Education
For language acquisition pursuant to Title III of the Elementary and Secondary
Education Act of 1965 as amended by the Every Student Succeeds Act of
2015
From Elementary and Secondary Education - Federal Fund (0105).....\$5,800,000

SECTION 2.215. – To the Department of Elementary and Secondary Education
For Student Support and Enrichment grants pursuant to Title IV, Part A of the
Elementary and Secondary Education Act of 1965 as amended by the Every
Student Succeeds Act of 2015
From Elementary and Secondary Education - Federal Fund (0105).....\$34,025,070

SECTION 2.220. – To the Department of Elementary and Secondary Education
For the Refugee Children School Impact Grants Program
From Elementary and Secondary Education - Federal Fund (0105)..... \$500,000

SECTION 2.225. – To the Department of Elementary and Secondary Education
For character education initiatives
From General Revenue Fund (0101) \$450,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 2.230. – To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the School
Turnaround Fund

From General Revenue Fund (0101) \$975,000

SECTION 2.235. – To the Department of Elementary and Secondary Education

For the School Turnaround Program

From School Turnaround Fund (0439) \$975,000

SECTION 2.240. – To the Department of Elementary and Secondary Education

For the Teacher of the Year Program

From Elementary and Secondary Education - Federal Fund (0105) \$40,000

***SECTION 2.241.** – To the Department of Elementary and Secondary Education

For a classroom support staff grant program to distribute grants, not to exceed
\$50,000 per classroom, which shall be used exclusively to support the hiring
and retention of teacher assistants in classrooms; criteria used shall include
but not be limited to levels of student achievement and amounts of current
state and local funding

From General Revenue Fund (0101) (one-time) \$2,000,000

*I hereby veto \$2,000,000 general revenue for a classroom support staff grant program. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project. Additionally, the budget fully funds the foundation formula and it is at each school district's discretion to allocate their resources as needed. Finally, this program provides one-time state funding to support ongoing program costs, which could possibly jeopardize the program's future sustainability.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from General Revenue Fund.

From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.243. – To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the Teacher
Recruitment & Retention State Scholarship Fund

From Lottery Proceeds Fund (0291) \$800,000

For the Teacher Recruitment & Retention State Scholarship Program

From the Teacher Recruitment & Retention State Scholarship Fund (0221) 800,000

Total \$1,600,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 2.244. – To the Department of Elementary and Secondary Education
For the Office of Educator Quality

For Grow Your Own grants, provided that funds shall be distributed based upon a competitive process, and further provided that the department shall establish a scoring rubric with priority given to programs that serve low resource communities and diversify state and local teacher workforces, subject to the following allocations:

For community colleges, provided that a total of five (5) grants are awarded in the amount of \$45,000 each

From Lottery Proceeds Fund (0291)..... \$225,000

For educator preparation programs, provided that a total of fifteen (15) grants are awarded in the amount of \$70,000 each

From Lottery Proceeds Fund (0291)..... 1,050,000

For local educational agencies (LEAs), provided that a total of one hundred twenty-five (125) grants are awarded in the amount of \$10,000 each

From Lottery Proceeds Fund (0291)..... 1,250,000

Total..... \$2,525,000

SECTION 2.245. – To the Department of Elementary and Secondary Education
For the Project Extended Impact program

From Elementary and Secondary Education - Federal Fund (0105)..... \$3,316,380

SECTION 2.250. – To the Department of Elementary and Secondary Education
For the Vocational Rehabilitation Program

From General Revenue Fund (0101) \$15,841,442

From Vocational Rehabilitation Fund (0104) 51,877,223

From Lottery Proceeds Fund (0291)..... 1,400,000

For Payments by the Department of Mental Health

From Vocational Rehabilitation Fund (0104) 1,000,000

Total..... \$70,118,665

SECTION 2.255. – To the Department of Elementary and Secondary Education
For the Disability Determination Program

From Vocational Rehabilitation Fund (0104) \$24,162,577

SECTION 2.260. – To the Department of Elementary and Secondary Education
For Independent Living Centers, provided three percent (3%) flexibility is allowed from this section to Section 2.475

From General Revenue Fund (0101) (including \$500,000 one-time)..... \$2,560,000

From Vocational Rehabilitation Fund (0104) 1,402,546

From Independent Living Center Fund (0284)..... 190,556

For an equal increase on a percentage basis for Independent Living Centers that receive additional funding directly from the federal government

From General Revenue Fund (0101) 160,555

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For equalization of state funding to Independent Living Centers that do not receive additional funding directly from the federal government	
From General Revenue Fund (0101)	1,739,446
Total	\$6,053,103

SECTION 2.265. – To the Department of Elementary and Secondary Education
For distributions to educational institutions for the Adult Basic Education Program, provided three percent (3%) flexibility is allowed from this section to Section 2.475

From General Revenue Fund (0101)	\$5,014,868
From Elementary and Secondary Education - Federal Fund (0105)	9,999,169
Total	\$15,014,037

SECTION 2.268. – To the Department of Elementary and Secondary Education
For a workforce diploma program for adults without a high school diploma as designated by the Department of Elementary and Secondary Education Program Distribution

From General Revenue Fund (0101)	\$2,000,000
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SECTION 2.270. – To the Department of Elementary and Secondary Education
For the Troops to Teachers Program

From Elementary and Secondary Education - Federal Fund (0105)	\$95,000
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SECTION 2.275. – To the Department of Elementary and Secondary Education
For the Special Education Program, provided twenty-five percent (25%) flexibility is allowed from this section to Section 2.295

From Elementary and Secondary Education - Federal Fund (0105)	\$217,875,640
From Department of Elementary and Secondary Education Federal Emergency Relief 2021 Fund (2434)	40,178,753
Total	\$258,054,393

SECTION 2.280. – To the Department of Elementary and Secondary Education
For special education excess costs

From General Revenue Fund (0101)	\$39,946,351
From Lottery Proceeds Fund (0291)	19,590,000
Total	\$59,536,351

SECTION 2.285. – To the Department of Elementary and Secondary Education
For the Office of Childhood

Personal Service	\$2,961,063
Expense and Equipment (including \$550,239 one-time)	742,448
From General Revenue Fund (0101)	3,703,511

Personal Service	1,674,765
Expense and Equipment	156,067
From Elementary and Secondary Education - Federal Fund (0105)	1,830,832

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Matter in bold-face type is proposed language.

Personal Service.....	5,272,172
Expense and Equipment.....	<u>1,382,564</u>
From Child Care and Development Block Grant Federal Fund (0168).....	6,654,736
Personal Service.....	145,588
Expense and Equipment.....	<u>1,742</u>
From Department of Elementary and Secondary Education Federal Stimulus Fund (2300).....	147,330
Personal Service.....	145,588
Expense and Equipment.....	<u>1,742</u>
From Department of Elementary and Secondary Education Federal Stimulus - 2021 Fund (2436).....	<u>147,330</u>
Total (Not to exceed 177.50 F.T.E)	\$12,483,739

SECTION 2.290. – To the Department of Elementary and Secondary Education

For the Office of Childhood

For the Early Childhood Special Education Program

From General Revenue Fund (0101)\$176,956,087

From Lottery Proceeds Fund (0291)..... 16,548,507

From Early Childhood Development, Education and Care Fund (0859) 21,464,533

From Department of Elementary and Secondary Education Federal

Emergency Relief 2021 Fund (2434)..... 2,956,325

Total.....\$217,925,452

SECTION 2.295. – To the Department of Elementary and Secondary Education

For the Office of Childhood

For the Special Education Program, provided twenty-five percent (25%)
flexibility is allowed from this section to Section 2.275

From Elementary and Secondary Education - Federal Fund (0105).....\$27,000,000

SECTION 2.297. – To the Department of Elementary and Secondary Education

For a learning center serving children with disabilities, including a childcare
program for children with disabilities, located in any city with more than
forty thousand but fewer than fifty-one thousand inhabitants and partially
located in a county with more than seventy thousand but fewer than eighty
thousand inhabitants

From General Revenue Fund (0101) (one-time)\$4,000,000

***SECTION 2.300.** – To the Department of Elementary and Secondary Education

For the Office of Childhood

For Early Childhood Development, provided that the Department of Elementary
and Secondary Education shall coordinate the delivery of Parent Education
Services with the Home Visiting Programs within the Office of Childhood

From General Revenue Fund (0101)\$23,418,975

From Early Childhood Development, Education and Care Fund (0859) 5,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For reimbursements to school districts for Parent Education in conjunction with the Early Childhood Education and Screening Program, provided three percent (3%) flexibility is allowed from this section to Section 2.475	
From General Revenue Fund (0101)	198,200
For Early Childhood Development in unaccredited or provisionally accredited districts, provided that the Department of Elementary and Secondary Education shall coordinate the delivery of Parent Education Services with the Home Visiting Programs within the Office of Childhood	
From General Revenue Fund (0101)	500,000
For a nonprofit organization, located in any city with more than thirty thousand but fewer than thirty-three thousand inhabitants and located in a county with more than one million inhabitants, for an early childhood education community needs assessment to develop a plan to address early childhood education gaps	
From General Revenue Fund (0101) (one-time)	1,073,000
Total.....	\$30,190,175

*I hereby veto \$1,073,000 general revenue for an early childhood education community needs assessment. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this item would provide duplicate funding to an organization receiving appropriations in House Bill 5.

For a nonprofit organization for an early childhood education community needs assessment.
 From \$1,073,000 to \$0 from General Revenue Fund.
 From \$30,190,175 to \$29,117,175 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 2.305.** – To the Department of Elementary and Secondary Education
 For the Office of Childhood

For grants to community-based programs to strengthen the child welfare system locally to prevent child abuse and neglect and divert children from entering into the custody of the Department of Social Services, Children's Division, provided three percent (3%) flexibility is allowed from this section to Section 2.475	
From General Revenue Fund (0101)	\$4,611,500

For the purpose of providing home visiting services and health and safety services and education through local implementing agencies and for the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

administration of the Parent Advisory Council, provided three percent (3%) flexibility is allowed from this section to Section 2.475	
From Elementary and Secondary Education - Federal Fund (0105).....	6,551,508
From Department of Elementary and Secondary Education Federal Emergency Relief 2021 Fund (2436).....	1,570,058
For the purpose of providing evidence-based home visiting services to at-risk, low-income families Program Distribution	
From Temporary Assistance for Needy Families Federal Fund (0199).....	2,900,000
For the purpose of funding home visitation services under the MO HealthNet program. Services shall include screening, health education and anticipatory guidance, and case management provided through evidence-based home visitation models. Women must meet at least one risk factor determined to increase the likelihood of poor health outcomes. To offer services under this section providers must document certification in an evidence-based home visitation model approved by the office. The Office of Childhood and the MO HealthNet Division shall coordinate the delivery of these services.	
From Title XIX - Federal Fund (0163).....	3,000,000
Total.....	\$18,633,066

*I hereby veto \$3,000,000 Title XIX – Federal Fund for home visitation services under the MO HealthNet program. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, only services rendered by Medicaid-enrolled providers are eligible for reimbursement through Title XIX funding. The Department of Elementary and Secondary Education utilizes early childhood educators, who are not Medicaid enrolled providers, for home visitation programs, making this an ineligible use of funding.

For the purpose of funding home visitation service under the MO HealthNet program.
From \$3,000,000 to \$0 from Title XIX – Federal Fund.
From \$18,633,066 to \$15,633,066 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.307. – To the Department of Elementary and Secondary Education
For a book gifting program that mails free, high-quality books to children from birth to age five
From General Revenue Fund (0101)\$11,100,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 2.310. – To the Department of Elementary and Secondary Education
 For the Office of Childhood
 For the early childhood comprehensive system
 From Elementary and Secondary Education - Federal Fund (0105)..... \$255,600

SECTION 2.315. – To the Department of Elementary and Secondary Education
 For the Office of Childhood
 For development of a voluntary early learning quality assurance report
 From General Revenue Fund (0101) \$119,713

For receiving and expending early childhood education grants
 From Elementary and Secondary Education - Federal Fund (0105)..... 17,200,000
 Total..... \$17,319,713

SECTION 2.320. – To the Department of Elementary and Secondary Education
 For the Office of Childhood
 For the First Steps Program, provided three percent (3%) flexibility is allowed
 from this section to Section 2.475
 From General Revenue Fund (0101) \$47,218,953
 From Elementary and Secondary Education - Federal Fund (0105)..... 10,993,757
 From Title XXI - Children's Health Insurance Program Federal Fund (0159) 1,500,000
 From Department of Elementary and Secondary Education Federal
 Stimulus- 2021 Fund (2436) 3,703,723
 From Part C Early Intervention Fund (0788) 10,000,000
 Total..... \$73,416,433

SECTION 2.325. – To the Department of Elementary and Secondary Education
 For the Office of Childhood
 For improving the academic achievement of the disadvantaged programs
 operated by local education agencies under Title I of the Elementary and
 Secondary Education Act of 1965 as amended by the Every Student
 Succeeds Act of 2015, provided twenty-five percent (25%) flexibility is
 allowed from this section to Section 2.185
 From Elementary and Secondary Education - Federal Fund (0105)..... \$31,411,225

SECTION 2.330. – To the Department of Elementary and Secondary Education
 For the Office of Childhood
 For the School Age After School Program
 From Elementary and Secondary Education - Federal Fund (0105)..... \$20,314,520
 From Child Care and Development Block Grant Federal Fund (0168)..... 1,263,063

For after school programs in urban areas with a focus on addressing the needs of
 students in school districts affected by gun violence, with a priority of
 serving high poverty students
 From General Revenue Fund (0101) (including \$150,000 one-time)..... 500,000
 Total..... \$22,077,583

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 2.335. – To the Department of Elementary and Secondary Education
For the Office of Childhood, Quality Initiatives, provided three percent (3%)
flexibility is allowed from this section to Section 2.475

For the general administration of the quality initiatives programs, including
development and implementation of automated systems to enhance time,
attendance reporting, contract compliance, payment accuracy, monitoring,
referral services, professional development, Early Head Start, parent
education, background screenings, and to support the Educare Program

From General Revenue Fund (0101)	\$3,967,353
From Child Care and Development Block Grant Federal Fund (0168).....	35,743,330

For quality assurance rating

From Child Care and Development Block Grant Federal Fund (0168).....	500,000
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For the purpose of enhancing child care health and safety practices through
provider outreach

From Elementary and Secondary Education - Federal Fund (0105).....	237,712
From Child Care and Development Block Grant Federal Fund (0168).....	414,362

For activities to improve the quality of childcare, increase the availability of early
childhood development programs, before- and after-school care, in-home
services for families with newborn children, and for general administration
of the program

From Elementary and Secondary Education - Federal Fund (0105).....	436,675
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For early childhood development, education, and care programs for low-income
families

From General Revenue Fund (0101)	3,500,000
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For before and after school programs, provided that such funds shall be awarded
through a competitive grant process

From General Revenue (0101)	7,398,064
From Early Childhood Development, Education and Care Fund (0859)	295,399
Total.....	\$52,492,895

SECTION 2.340. – To the Department of Elementary and Secondary Education
For the Office of Childhood

For Child Care Subsidy, provided twenty-five percent (25%) flexibility is
allowed between this section and Section 2.343 and further provided three
percent (3%) flexibility is allowed from this section to Section 2.475

For child care subsidy payments for low-income families, provided that the income
thresholds for child care subsidies shall be a full traditional subsidy benefit for
individuals with an income which is less than or equal to 150 percent of the
federal poverty level; a transitional benefit with a sliding scale fee not to exceed
150 percent of the maximum sliding scale fee for the traditional benefit for
individuals with an income which is less than or equal to 185 percent of the
federal poverty level but greater than 150 percent of the federal poverty level;
a transitional benefit with a sliding scale fee not to exceed 175 percent of the

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Matter in bold-face type is proposed language.

maximum sliding scale fee for the traditional benefit for individuals with an income which is less than or equal to 215 percent of the federal poverty level but greater than 185 percent of federal poverty level

From General Revenue Fund (0101)	\$16,627,030
From Child Care and Development Block Grant Federal Fund (0168)	142,042,947
From Early Childhood Development, Education and Care Fund (0859)	5,387,924
From Child Care Stabilization Federal Emergency Relief 2021 Fund (2467)	12,500,000
From Child Care Discretionary Federal Emergency Relief 2021 Fund (2468)	59,711,461
Expense and Equipment	
From Child Care and Development Block Grant Federal Fund (0168)	<u>1,616,328</u>
Total	\$237,885,690

SECTION 2.343. – To the Department of Elementary and Secondary Education
For the Office of Childhood

For Child Care Subsidy, provided twenty-five percent (25%) flexibility is allowed between this section and Section 2.340 and further provided three percent (3%) flexibility is allowed from this section to Section 2.475

For child care subsidy payments for children under the care or custody of the Department of Social Services Children's Division, and for children adopted or under legal guardianship through Children's Division, provided the subsidy paid to providers on behalf of children in legal custody of the Children's Division shall be no less than the market rate by region and provider-type, in accordance with the latest market rate study performed by or for the office

From General Revenue Fund (0101)	\$5,836,137
From Child Care and Development Block Grant Federal Fund (0168)	31,605,343
From Early Childhood Development, Education and Care Fund (0859)	1,891,177
From Child Care Discretionary Federal Emergency Relief 2021 Fund (2468)	<u>6,264,771</u>
Total	\$45,597,428

SECTION 2.345. – To the Department of Elementary and Secondary Education
For the Office of Childhood

For child care services in response to the COVID-19 pandemic

From Department of Elementary and Secondary Education

Federal Stimulus Fund (2300)	\$126,940,145
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SECTION 2.355. – To the Department of Elementary and Secondary Education
For the Office of Childhood

For child care stabilization services in response to the COVID-19 pandemic

From Child Care Stabilization Federal Emergency Relief 2021 Fund (2467)	\$312,500,000
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For child care discretionary services in response to the COVID-19 pandemic

From Child Care Discretionary Federal Emergency Relief 2021 Fund (2468)	56,023,768
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For start-up costs related to a new child care program in a city with more than twenty-seven thousand but fewer than thirty thousand inhabitants and located in a county with more than one million inhabitants associated with a not-for-profit law enforcement organization located in a city with more than

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Matter in bold-face type is proposed language.

eight thousand but fewer than nine thousand inhabitants and located in a county with more than one million inhabitants, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis by the recipient

From Child Care Discretionary Federal Emergency Relief 2021 Fund

(2468) (one-time)	6,000,000
Total	\$374,523,768

***SECTION 2.360.** – To the Department of Elementary and Secondary Education
For payments to school districts for children in residential placements through the Department of Mental Health or the Department of Social Services pursuant to Section 167.126, RSMo

From General Revenue Fund (0101)	\$10,384,630
From Lottery Proceeds Fund (0291)	4,750,000

For payments to school districts for children in residential placements through the Department of Mental Health or the Department of Social Services pursuant to Section 167.126, RSMo, provided that said placements make up at least thirty percent (30%) of an eligible district's prior year average daily attendance

From Lottery Proceeds Fund (0291)	250,000
Total	\$15,384,630

*I hereby veto \$7,692,315 general revenue for payments to school districts for children in residential placements. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

For payments to school districts for children in residential placements through the Department of Mental Health or the Department of Social Services pursuant to Section 167.26 RSMo.

From \$10,384,630 to \$2,692,315 from General Revenue Fund.

From \$15,384,630 to \$7,692,315 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.365. – To the Department of Elementary and Secondary Education

For the purpose of providing tampons, sanitary napkins, and other related products in the school nurse's office, student health center, or other area designated by the school administration for all middle school, junior high, and high school buildings in which there are students in grades six through twelve, at no charge to students

From General Revenue Fund (0101)	\$1,000,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

To contract with a vendor to provide to public schools, asthma rescue medication such as metered dose inhalers and albuterol, peak flow meters and spacers, and training to school health officials who treat children with asthma and allergies in the school setting	
From Budget Stabilization Fund (0522) (one-time)	<u>1,300,000</u>
Total.....	\$2,300,000
SECTION 2.370. – To the Department of Elementary and Secondary Education For the Sheltered Workshops Program, provided three percent (3%) flexibility is allowed from this section to Section 2.475	
From General Revenue Fund (0101)	\$30,000,000
SECTION 2.375. – To the Department of Elementary and Secondary Education For payments to readers for blind or visually-disabled students in elementary and secondary schools, provided three percent (3%) flexibility is allowed from this section to Section 2.475	
From General Revenue Fund (0101)	\$25,000
SECTION 2.380. – To the Department of Elementary and Secondary Education For a task force on blind student academic and vocational performance, provided three percent (3%) flexibility is allowed from this section to Section 2.475	
From General Revenue Fund (0101)	\$231,953
SECTION 2.385. – To the Department of Elementary and Secondary Education For the Missouri School for the Deaf	
From School for the Deaf Trust Fund (0922).....	\$49,500
SECTION 2.390. – To the Department of Elementary and Secondary Education For the Missouri School for the Blind	
From School for the Blind Trust Fund (0920)	\$1,500,000
SECTION 2.395. – To the Department of Elementary and Secondary Education For the Missouri Special Olympics Program, provided three percent (3%) flexibility is allowed from this section to Section 2.475	
From General Revenue Fund (0101)	\$100,000
SECTION 2.400. – To the Department of Elementary and Secondary Education For the Missouri Schools for the Severely Disabled	
From Handicapped Children's Trust Fund (0618)	\$200,000
SECTION 2.405. – To the Department of Elementary and Secondary Education For the Missouri Charter Public School Commission, provided ten percent (10%) flexibility is allowed from personal service to expense and equipment	
Personal Service.....	\$533,861
Expense and Equipment.....	<u>2,809,092</u>
From Charter Public School Commission Revolving Fund (0860)	3,342,953

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Matter in bold-face type is proposed language.

Expense and Equipment	
From Charter Public School Commission Federal Fund (0175)	<u>500,000</u>
Total (Not to exceed 6.00 F.T.E.).....	\$3,842,953

SECTION 2.410. – To the Department of Elementary and Secondary Education
For the Missouri Commission for the Deaf and Hard of Hearing, provided three
percent (3%) flexibility is allowed from this section to Section 2.475

Personal Service.....	\$406,899
Expense and Equipment.....	<u>233,076</u>
From General Revenue Fund (0101)	639,975

For grants to organizations providing deaf-blind services pursuant to Section
161.412.1, RSMo

From General Revenue Fund (0101)	300,000
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Personal Service.....	41,492
Expense and Equipment.....	<u>119,000</u>
From Missouri Commission for the Deaf and Hard of Hearing Fund (0743).....	160,492

Expense and Equipment	
From Missouri Commission for the Deaf and Hard of Hearing Board of Certification of Interpreters Fund (0264)	<u>152,260</u>
Total (Not to exceed 7.00 F.T.E.).....	\$1,252,727

SECTION 2.415. – To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the Statewide Hearing
Aid Distribution Fund

From General Revenue Fund (0101)	\$100,000
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SECTION 2.420. – To the Department of Elementary and Secondary Education
For the Missouri Commission for the Deaf and Hard of Hearing

For the Statewide Hearing Aid Distribution Program From Statewide Hearing Aid Distribution Fund (0617).....	\$200,000
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SECTION 2.425. – To the Department of Elementary and Secondary Education
For the Missouri Holocaust Education and Awareness Commission

Expense and Equipment	
From General Revenue Fund (0101)	\$122,000

SECTION 2.430. – To the Department of Elementary and Secondary Education
For the Missouri Assistive Technology Council

Personal Service.....	\$253,972
Expense and Equipment.....	<u>572,381</u>
From Assistive Technology Federal Fund (0188)	826,353

Personal Service.....	282,228
Expense and Equipment.....	<u>1,639,923</u>
From Deaf Relay Service and Equipment Distribution Program Fund (0559)	1,922,151

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Personal Service.....	64,040
Expense and Equipment.....	675,000
From Assistive Technology Loan Revolving Fund (0889)	739,040
Expense and Equipment	
From Assistive Technology Trust Fund (0781).....	1,080,004
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	1,000
Total (Not to exceed 8.40 F.T.E.).....	\$4,568,548

***SECTION 2.433.** – To the Department of Elementary and Secondary Education

For a school district located in any county with more than one hundred thousand but fewer than one hundred twenty thousand inhabitants and with a county seat with more than twelve thousand but fewer than fourteen thousand inhabitants with sixty-seven students enrolled during academic year 2021-2022

From General Revenue Fund (0101) (one-time)\$588,980

*I hereby veto \$588,980 general revenue for legal fees and judgment for the Strain-Japan School District. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is an inappropriate use of State funds and should be borne by the affected parties.

Said section is vetoed in its entirety from \$588,980 to \$0 from General Revenue Fund.

From \$588,980 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.435. – To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund-County Foreign Tax Distribution, to the State School Moneys Fund

From General Revenue Fund (0101)\$160,284,018

SECTION 2.440. – To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the State School Moneys Fund

From Fair Share Fund (0687)\$19,200,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 2.445. – To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the Outstanding Schools Trust Fund	
From General Revenue Fund (0101)	\$836,600,000
SECTION 2.450. – To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the Classroom Trust Fund	
From Gaming Proceeds for Education Fund (0285)	\$335,000,000
SECTION 2.455. – To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the Classroom Trust Fund	
From Lottery Proceeds Fund (0291)	\$29,134,511
SECTION 2.460. – To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the School District Bond Fund	
From Gaming Proceeds for Education Fund (0285)	\$492,000
SECTION 2.465. – To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the State School Moneys Fund	
From School Building Revolving Fund (0279)	\$1,500,000
SECTION 2.470. – To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury to the State School Moneys Fund	
From After-School Retreat Reading and Assessment Grant Program Fund (0732)	\$2,000
SECTION 2.475. – To the Department of Elementary and Secondary Education Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Sections 105.711 through 105.726, RSMo, to the State Legal Expense Fund	
From General Revenue Fund (0101)	\$1

PART 2

SECTION 2.500. – To the Department of Elementary and Secondary Education In reference to all sections in Part 1 of this act: No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.	
SECTION 2.505. – To the Department of Elementary and Secondary Education In reference to Section 2.340 of Part 1 of this act: No funds shall be expended in furtherance of the 58th percentile of the current child care market for provider rates, as determined from the	

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

2021-2022 child care market rate survey, and no funds shall be expended in furtherance of any rate enhancement greater than the rate in effect on January 1, 2023, and no funds shall be expended in furtherance of any benefit greater than that provided for by the applicable traditional or transitional child care subsidy income eligibility threshold.

SECTION 2.510. – To the Department of Elementary and Secondary Education

In reference to Section 2.343 of Part 1 of this act:

No funds shall be expended in furtherance of the 58th percentile of the current child care market for provider rates, as determined from the 2021-2022 child care market rate survey, except for subsidy paid to providers on behalf of children in legal custody of the Children's Division who shall be paid no less than the market rate, and no funds shall be expended in furtherance of any rate enhancement greater than the rate in effect on January 1, 2023, and no funds shall be expended in furtherance of any benefit greater than that provided for by the applicable traditional or transitional child care subsidy income eligibility threshold.

SECTION 2.515. – To the Department of Elementary and Secondary Education

In reference to Sections 2.345 and 2.355 of Part 1 of this act:

Subject to federal approval, a transitional child care subsidy benefit for low-income families not previously qualifying for a traditional benefit shall be provided for in full from this appropriation, and the amount of the benefit shall be determined by the income eligibility thresholds in Section 2.340. Any established sliding fees that provide for cost sharing by families that receive a child care subsidy shall be waived for the participant and paid by the department to providers from this appropriation. A new transitional child care subsidy benefit with a sliding scale fee not to exceed 200 percent of the maximum sliding scale fee for the traditional benefit for individuals with an income which is less than or equal to 250 percent of the federal poverty level but greater than 216 percent of the federal poverty level but not greater than 85% of the state median income shall be provided for in full from this appropriation.

PART 3

SECTION 2.600. – To the Department of Elementary and Secondary Education

In reference to Section 2.340 and 2.343 of Part 1 and Part 2 of this act:

The Department shall provide written notification prior to submission to the federal government of state plans and state plan amendments, and quarterly financial reports, to the House Budget and Senate Appropriation Committee Chairs. The Department shall include in the notification the actual documents submitted to the federal government, as well as the federal government's responses when received.

SECTION 2.605. – To the Department of Elementary and Secondary Education

In reference to all sections in Part 1 and Part 2 of this act:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

The Department shall provide notification and correspondence from the federal government of non-compliance with federal programs or grants to the House Budget and Senate Appropriation Committee Chairs.

SECTION 2.610. – To the Department of Elementary and Secondary Education
In reference to Sections 2.345 and 2.355 of Part 1 and Part 2 of this act:

The Department shall provide written notification of spend plans and spend plan amendments to the House Budget and Senate Appropriation Committee Chairs prior to submission to the federal government and prior to expenditure of such funds.

SECTION 2.615. – To the Department of Elementary and Secondary Education

The Department shall direct deposits of moneys received by the state from the federal government for the Child Care and Development Fund into the Child Care and Development Block Grant Federal Fund (0168), with the exception of: a) additional stimulus block grant distributions authorized under the Coronavirus Aid, Relief, and Economic Security Act, the Coronavirus Response and Relief Supplemental Appropriations Act, the American Rescue Plan Act, and any other additional block grant distributions received before June 30, 2024, under subsequent future federal stimulus acts, and b) any increase due to a temporary increase in the Federal Medical Assistance Percentage (FMAP), which shall be deposited into the FMAP Enhancement Fund (0181).

SECTION 2.620. – To the Department of Elementary and Secondary Education

The Department shall direct deposits of moneys from the federal government due to a temporary increase in the Federal Medical Assistance Percentage (FMAP) into the FMAP Enhancement Fund (0181).

SECTION 2.625. – To the Department of Elementary and Secondary Education

The Department shall conduct biannual reviews of seclusion and restraint data reported to the Department from local educational agencies. The Department shall publish on the Department's website biannual reports on the seclusion and restraint trends, along with best practices related to specific named strategies, classroom management policies and protocols, and behavior intervention techniques.

Bill Totals

General Revenue Fund.....	\$4,029,537,085
Federal Funds.....	3,721,622,344
Other Funds.....	<u>2,083,840,365</u>
Total.....	\$9,834,999,794

Approved June 30, 2023

CCS SCS HCS HB 3

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions and programs thereof, and institutions of higher education to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

PART 1

SECTION 3.000. – Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an appropriation identified as "one-time" in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

SECTION 3.005. – To the Department of Higher Education and Workforce Development

For Higher Education Coordination and for grant and scholarship program administration, provided five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 3.120

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$3,808,061
Expense and Equipment (including \$6,537 one-time).....	<u>605,913</u>
From General Revenue Fund (0101)	4,413,974

For costs related to Student Journey Mapping initiatives

From Lottery Proceeds Fund (0291) (one-time)	100,000
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Personal Service.....	47,405
Expense and Equipment.....	<u>16,850</u>
From Department of Higher Education Out-of-State Program Fund (0420).....	64,255

For workshops and conferences sponsored by the Department of Higher Education and Workforce Development, and for distribution of federal funds to higher education institutions, to be paid for on a cost-recovery basis and for returning unspent grant funds to the original grantor organization

From Quality Improvement Revolving Fund (0537)	<u>75,000</u>
Total (Not to exceed 48.63 F.T.E.)	\$4,653,229

SECTION 3.010. – To the Department of Higher Education and Workforce Development

For the MO Excels Workforce Initiative

From Budget Stabilization Fund (0522) (one-time)	\$38,336,840
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SECTION 3.015. – To the Department of Higher Education and Workforce Development

For regulation of proprietary schools as provided in Section 173.600, RSMo

Personal Service.....	\$267,397
Expense and Equipment.....	<u>92,519</u>
From Proprietary School Certification Fund (0729).....	359,916

For the initial and ongoing costs to the department associated with the closure of proprietary schools, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	51,605
Expense and Equipment.....	<u>100,000</u>
From Proprietary School Bond Fund (0760).....	<u>151,605</u>
Total (Not to exceed 5.00 F.T.E.).....	\$511,521

SECTION 3.020. – To the Department of Higher Education and Workforce Development

For indemnifying individuals as a result of improper actions on the part of proprietary schools as provided in Section 173.612, RSMo

From Proprietary School Bond Fund (0760).....	\$400,000
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SECTION 3.025. – To the Department of Higher Education and Workforce Development

For annual membership in the Midwestern Higher Education Compact

From General Revenue Fund (0101)	\$115,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 3.030. – To the Department of Higher Education and Workforce Development

For receiving and expending donations and federal funds, provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds and further provided that no funds shall be used to implement or support the Common Core Standards

From Department of Higher Education and Workforce Development

Fund (0116) \$500,000

SECTION 3.035. – To the Department of Higher Education and Workforce Development

For receiving and expending donations and funds other than federal funds, provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds and further provided that no funds shall be used to implement or support the Common Core Standards

From State Institutions Gift Trust Fund (0925)..... \$1,000,000

SECTION 3.040. – To the Department of Higher Education and Workforce Development

Funds are to be transferred out of the State Treasury to the Academic Scholarship Fund, provided three percent (3%) flexibility is allowed from this section to Section 3.120

From General Revenue Fund (0101) \$25,576,666

From State Institutions Gift Trust Fund (0925)..... 2,000,000

Total..... \$27,576,666

SECTION 3.045. – To the Department of Higher Education and Workforce Development

For the Higher Education Academic Scholarship Program pursuant to Chapter 173, RSMo

From Academic Scholarship Fund (0840) \$29,076,666

SECTION 3.050. – To the Department of Higher Education and Workforce Development

Funds are to be transferred out of the State Treasury to the Access Missouri Financial Assistance Fund, provided three percent (3%) flexibility is allowed from this section to Section 3.120

From General Revenue Fund (0101) \$73,371,052

From State Institutions Gift Trust Fund (0925)..... 2,000,000

From Missouri Student Grant Program Gift Fund (0272)..... 50,000

Total..... \$75,421,052

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 3.055. – To the Department of Higher Education and Workforce Development
 For the Access Missouri Financial Assistance Program pursuant to Chapter 173, RSMo
 From Access Missouri Financial Assistance Fund (0791).....\$83,960,000

SECTION 3.060. – To the Department of Higher Education and Workforce Development
 Funds are to be transferred out of the State Treasury to the A+ Schools Fund, provided three percent (3%) flexibility is allowed from this section to Section 3.120
 From General Revenue Fund (0101)\$58,313,326
 From State Institutions Gift Trust Fund (0925).....2,000,000
 Total.....\$60,313,326

SECTION 3.065. – To the Department of Higher Education and Workforce Development
 For the A+ Schools Program, provided that any institution with enrolled students receiving such funds shall provide sufficient data to the Department of Higher Education and Workforce Development necessary for the department to submit year-end information which shall be delivered to the General Assembly by the department detailing data about the distribution and utilization of such funds to students, including the number of students who receive a zero award due to federal and other state aid
 From A+ Schools Fund (0955)\$61,900,000

SECTION 3.070. – To the Department of Higher Education and Workforce Development
 Funds are to be transferred out of the State Treasury to the Fast-Track Workforce Incentive Grant Fund, provided three percent (3%) flexibility is allowed from this section to Section 3.120
 From General Revenue Fund (0101)\$3,700,000
 From Lottery Proceeds Fund (0291).....1,000,000
 Total.....\$4,700,000

SECTION 3.075. – To the Department of Higher Education and Workforce Development
 For the Fast-Track Workforce Incentive Grant Program, provided that any Fast-Track Workforce Incentive Grant toward a scholarship at a private four-year institution is limited to not more than the in-state tuition and fees for the University of Missouri-Columbia, and further provided that any Fast-Track Workforce Incentive Grant toward a scholarship at a private two-year institution is limited to not more than the in-state tuition, fees, and charges at a most comparable program at any Missouri two-year public community college or the State Technical College of Missouri
 From Fast-Track Workforce Incentive Grant Fund (0488).....\$6,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 3.080. – To the Department of Higher Education and Workforce Development Funds are to be transferred out of the State Treasury to the Dual Credit Scholarship Fund, provided three percent (3%) flexibility is allowed from this section to Section 3.120	
From General Revenue Fund (0101)	\$7,000,000
SECTION 3.085. – To the Department of Higher Education and Workforce Development For providing reimbursements to eligible undeserved students pursuant to Section 173.2505, RSMo, and for providing reimbursement of dual enrollment or outstanding dual credit costs of eligible students participating in coursework pursuant to Section 173.2505, RSMo	
From Dual Credit Scholarship Fund (0541)	\$7,000,000
SECTION 3.090. – To the Department of Higher Education and Workforce Development For Advanced Placement grants for Access Missouri Financial Assistance Program and A+ Schools Program recipients	
From AP Incentive Grant Fund (0983)	\$100,000
SECTION 3.095. – To the Department of Higher Education and Workforce Development For the Public Service Officer or Employee Survivor Grant Program pursuant to Section 173.260, RSMo, provided three percent (3%) flexibility is allowed from this section to Section 3.120	
From General Revenue Fund (0101)	\$160,500
SECTION 3.100. – To the Department of Higher Education and Workforce Development For the Veterans' Survivors Grant Program pursuant to Section 173.234, RSMo, provided three percent (3%) flexibility is allowed from this section to Section 3.120	
From General Revenue Fund (0101)	\$325,000
*SECTION 3.103. – To the Department of Higher Education and Workforce Development For the Missouri Returning Heroes Program, provided that reimbursement paid to each institution of higher education shall not exceed fifty percent (50%) of the waived tuition reported by said institution of higher education for the previous academic year, and further provided that funding shall be allocated to each institution of higher education proportionally to the amount of waived tuition reported for the previous academic year	
From General Revenue Fund (0101)	\$400,000
From Lottery Proceeds Fund (0291)	200,000
Total	\$600,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$600,000, including \$400,000 general revenue, for the Missouri Returning Heroes Program. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, higher education institutions currently fund this program and the budget approved by the General Assembly for the public institutions included a 7 percent increase, totaling over \$70.8 million. This veto will not impact the tuition paid by veterans who qualify for the Returning Heroes program in any way.

Said section is vetoed in its entirety.

From \$400,000 to \$0 from General Revenue Fund.

From \$200,000 to \$0 from Lottery Proceeds Fund.

From \$600,000 to \$0 in total for this section.

MICHAEL L. PARSON
GOVERNOR

SECTION 3.105. – To the Department of Higher Education and Workforce
Development

For the Kids' Chance Scholarship Program pursuant to Chapter 173, RSMo

From Kids' Chance Scholarship Fund (0878).....\$15,000

SECTION 3.110. – To the Department of Higher Education and Workforce
Development

For the Minority and Underrepresented Environmental Literacy Program
pursuant to Section 173.240, RSMo, provided three percent (3%) flexibility
is allowed from this section to Section 3.120

From General Revenue Fund (0101).....\$36,964

SECTION 3.115. – To the Department of Higher Education and Workforce
Development

For the Missouri Guaranteed Student Loan Program

Expense and Equipment.....\$1

Default prevention activities640,000

From Guaranty Agency Operating Fund (0880).....\$640,001

SECTION 3.120. – To the Department of Higher Education and Workforce
Development

Funds are to be transferred out of the State Treasury, for the payment of
claims, premiums, and expenses as provided by Section 105.711 through
105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101).....\$1

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 3.125. – To the Department of Higher Education and Workforce Development

For the Division of Workforce Development

For general administration of Workforce Development activities, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$653,974
Expense and Equipment.....	2,168,299
From General Revenue Fund (0101)	2,822,273

Personal Service.....	19,439,614
Expense and Equipment (including \$15,257 one-time).....	3,293,360
From Job Development and Training Fund (0155).....	22,732,974

For the Show-Me Heroes Program

From Show-Me Heroes Fund (0995).....	500,000
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For funding for persons with autism through a contract with a Southeast Missouri organization concentrating on the maximization of giftedness, workforce transition skills, independent living skills, and employment support services, provided three percent (3%) flexibility is allowed from this section to Section 3.120

From General Revenue Fund (0101)	250,000
Total (Not to exceed 343.62 F.T.E.)	\$26,305,247

***SECTION 3.130.** – To the Department of Higher Education and Workforce Development

For the Certified Work Ready Community Program, provided three percent (3%) flexibility is allowed from this section to Section 3.120

From General Revenue Fund (0101)	\$100,000
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For a statewide, competitively-bid virtual education program to provide high school students with career-focused virtual education pathways and industry recognized credentials for in-demand industry sectors

From General Revenue Fund (0101)	1,459,000
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For an organization located in a city with more than four hundred thousand inhabitants and located in more than one county to provide education curriculum, training, access to capital, and mentoring

From General Revenue Fund (0101)	350,000
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For a statewide, competitively-bid program to provide cost-free education, training and apprenticeships for computer programming, provided that this program shall be available to more than one vendor and that payments to any single vendor shall not exceed \$500,000

From General Revenue Fund (0101)	1,000,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For an organization providing services in a city not within a county, that facilitates supplemental educational programs, job development and training, and community service programs for under-resourced individuals	
From General Revenue Fund (0101) (one-time)	1,000,000
For promoting, developing, and expanding registered apprenticeships, including registered apprenticeships and pre-apprenticeships within industry sectors or occupations	
Personal Service.....	127,193
Expense and Equipment.....	<u>2,882,987</u>
From Job Development and Training Fund (0155)	3,010,180
For a non-profit organization located in any city with more than forty thousand but fewer than fifty-one thousand inhabitants and partially located in a county with more than seventy thousand but fewer than eighty thousand inhabitants for a construction workforce program that operates statewide and serves historically underrepresented individuals gain entry into a joint contractor and labor-sponsored registered apprenticeship by teaching comprehensive core competencies and providing national and state industry-recognized credentials that help the individual become employed in a construction position	
From General Revenue Fund (0101) (one-time)	300,000
For a Pre-Apprenticeship program within any city not within a county to assist minorities and women in the preparation for entry into construction contractor sponsored apprenticeship programs by providing curriculum that teaches core competencies the student will need before applying for a construction position	
From Job Development and Training Fund (0155)	300,000
For a historic local national organization, located within a city with more than four hundred thousand inhabitants and located in more than one county, which enables disadvantaged persons to obtain self-sufficiency through job training and entrepreneurship	
From Job Development and Training Fund (0155)	100,000
For a Workforce Pre-Apprenticeship training in a city with more than four hundred thousand inhabitants and located in more than one county to assist minorities and women in the preparation for entry into construction contractor sponsored apprenticeship programs, information technology, culinary arts and food service management, by providing curriculum that teaches core competencies the student will need before applying for a construction position; and for work readying programs which enable women and minorities to obtain self-sufficiency through job training	
From Job Development and Training Fund (0155)	
(including \$100,000 one-time)	700,000

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Matter in bold-face type is proposed language.

For a Geospatial training program accredited by the United States Geospatial Intelligence Foundation (USGIF) in Geospatial Intelligence at the high school level and meets the criteria for the Missouri Department of Elementary and Secondary Education industry recognized credential in Geospatial Intelligence at the high school level as outlined by USGIF and located in a city not within a county	
From General Revenue Fund (0101) (one-time)	3,000,000
For a comprehensive counseling and solution generation service that focuses on a multi-year journey for high school students from initial training to full-time employment with pre-identified entry level jobs that drive the program's training while earning a degree relating to information technology. This service is designed to assist with environmental hurdles and with students receiving accredited course credit from institutions of higher education in the state of Missouri. Includes a multi-year, wrap around support infrastructure for each student that extends from the student's acceptance into the program through full-time employment and continues until the student completes a degree, if so requested by the program participant, also known as HyperCare.	
From General Revenue Fund (0101) (one-time)	2,000,000
For a nonprofit organization located in a city not within a county that provides youth and their family with mentorship as well as virtual or in-person educational opportunities relating to college preparedness, workforce development, and character preparation to foster academic success	
From General Revenue Fund (0101) (one-time)	100,000
For job training and related activities	
From Job Development and Training Fund (0155)	66,595,665
From Special Employment Security Fund (0949)	1,000,000
For administration of programs authorized and funded by the United States Department of Labor, such as Trade Adjustment Assistance (TAA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Workforce Development	
From Job Development and Training Fund (0155)	8,000,000
For the purpose of funding a social work pilot program located in a city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants, provided that program eligibility is limited to Missouri residents with a minimum of sixty hours toward an approved bachelors program leading to a degree in social work or a minimum of six hours towards an approved masters of social work; and further provided grants shall be awarded up to the cost of course work tuition and general fees; and further provided no more than five percent of this subsection can be used to market	

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the grant program and no more than ten percent of this subsection can be used to offset institutional costs for clinical placement and site visits

From General Revenue Fund (0101)	300,000
Total (Not to exceed 2.25 F.T.E.).....	\$89,314,845

*I hereby veto \$1,000,000 general revenue for a comprehensive counseling and solution generation service. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, funds from Fiscal Year 2023 have not yet been expended and additional funding is not yet needed. Additionally, although it does not identify a specific vendor, this appropriation appears to describe a specific vendor's platform. The department is subject to state purchasing laws set forth in Chapter 34, RSMo, and must follow those laws when selecting a vendor rather than contracting with a particular vendor.

For a comprehensive counseling and solution generation service.
 From \$2,000,000 to \$1,000,000 from General Revenue Fund.
 From \$89,314,845 to \$87,214,845 in total for this section.

MICHAEL L. PARSON
GOVERNOR

SECTION 3.132. – To the Department of Higher Education and Workforce Development

For the purpose of establishing a nursing simulation laboratory facility to enhance and expand nursing education and development opportunities through an online statewide nursing education program

From General Revenue Fund (0101)	\$1,000,000
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SECTION 3.133. – To the Department of Higher Education and Workforce Development

For a statewide program designed to increase collaboration and workforce opportunities via industry partnership in precision health and agricultural sciences

From General Revenue Fund (0101)	\$2,300,000
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SECTION 3.135. – To the Missouri University of Science and Technology

For phased expansion of Project Lead the Way in ten (10) southern Missouri counties provided this funding serves as state match for federal funding, and provides pilot support for Project Lead the Way in a city with more than one thousand nine hundred but fewer than two thousand one hundred fifty inhabitants and that is the county seat of a county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants and a county with more than thirty-five thousand but fewer than forty thousand inhabitants and

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with a county seat with more than five thousand but fewer than eight thousand inhabitants in affiliation with Missouri University of Science and Technology
 From General Revenue Fund (0101) \$250,000

SECTION 3.140. – To the Department of Higher Education and Workforce Development

For distribution to community colleges as provided in Section 163.191, RSMo, provided three percent (3%) flexibility is allowed from this section to Section 3.120
 From General Revenue Fund (0101) \$148,263,031
 From Lottery Proceeds Fund (0291) 10,489,991

For distribution to community colleges for the purpose of equity adjustments
 From General Revenue Fund (0101) 10,044,016

For maintenance and repair at community colleges, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds
 From General Revenue Fund (0101) 4,396,718

For the payment of refunds set off against debt as required by Section 143.786, RSMo
 From Debt Offset Escrow Fund (0753) 3,000,000
 Total \$176,193,756

SECTION 3.145. – To the State Technical College of Missouri, provided three percent (3%) flexibility is allowed from this section to Section 3.120
 All Expenditures

From General Revenue Fund (0101) \$8,520,275
 From Lottery Proceeds Fund (0291) 536,217

For the payment of refunds set off against debt as required by Section 143.786, RSMo
 From Debt Offset Escrow Fund (0753) 30,000
 Total \$9,086,492

***SECTION 3.147.** – To the Department of Higher Education and Workforce Development
 All Expenditures

For payments to public four-year institutions of higher education, in accordance with the performance-based funding model authorized to be developed under the provisions of House Bill 3003, Section 3.010, an Act of the 101st General Assembly
 From General Revenue Fund (0101) \$16,821,212

*I hereby veto \$16,821,212 general revenue for a performance-based funding model. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over

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\$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the performance funding model is still under development, and has not yet been adopted or approved by the Coordinating Board for Higher Education.

Said section is vetoed in its entirety from \$16,821,212 to \$0 from General Revenue Fund.
From \$16,821,212 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 3.150. – To the University of Central Missouri, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101)	\$58,669,128
From Lottery Proceeds Fund (0291)	6,050,959

For the payment of refunds set off against debt as required by

Section 143.786, RSMo

From Debt Offset Escrow Fund (0753)	225,000
Total	\$64,945,087

SECTION 3.155. – To Southeast Missouri State University, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101)	\$48,720,642
From Lottery Proceeds Fund (0291)	4,935,757

For the payment of refunds set off against debt as required by

Section 143.786, RSMo

From Debt Offset Escrow Fund (0753)	225,000
Total	\$53,881,399

SECTION 3.160. – To Missouri State University, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101)	\$100,264,859
From Lottery Proceeds Fund (0291)	9,670,119

For the payment of refunds set off against debt as required by Section 143.786,

RSMo

From Debt Offset Escrow Fund (0753)	500,000
Total	\$110,434,978

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Matter in bold-face type is proposed language.

SECTION 3.165. – To Lincoln University, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101)	\$20,893,954
From Lottery Proceeds Fund (0291)	1,814,072

For the purpose of funding the federal match requirement in the areas of agriculture extension and/or research

From General Revenue Fund (0101)	10,444,439
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For the payment of refunds set off against debt as required by

Section 143.786, RSMo

From Debt Offset Escrow Fund (0753)	200,000
Total	\$33,352,465

SECTION 3.170. – To Truman State University, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101)	\$44,145,909
From Lottery Proceeds Fund (0291)	4,576,165

For the payment of refunds set off against debt as required by

Section 143.786, RSMo

From Debt Offset Escrow Fund (0753)	200,000
Total	\$48,922,074

SECTION 3.175. – To Northwest Missouri State University, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101)	\$33,129,668
From Lottery Proceeds Fund (0291)	3,342,740

For the payment of refunds set off against debt as required by

Section 143.786, RSMo

From Debt Offset Escrow Fund (0753)	250,000
Total	\$36,722,408

SECTION 3.180. – To Missouri Southern State University, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101)	\$27,928,775
From Lottery Proceeds Fund (0291)	2,431,511

For the payment of refunds set off against debt as required by

Section 143.786, RSMo

From Debt Offset Escrow Fund (0753)	200,000
Total	\$30,560,286

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 3.185. – To Missouri Western State University, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101)	\$23,623,428
From Lottery Proceeds Fund (0291).....	2,394,327

For the payment of refunds set off against debt as required by
Section 143.786, RSMo

From Debt Offset Escrow Fund (0753).....	325,000
Total.....	\$26,342,755

SECTION 3.190. – To Harris-Stowe State University, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101)	\$11,085,548
From Lottery Proceeds Fund (0291).....	1,148,979

For the design and implementation of the Urban Policing Program to provide students real world law enforcement practice and de-escalation and anti-bias training for officers throughout Missouri

From General Revenue Fund (0101)	500,000
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For the payment of refunds set off against debt as required by
Section 143.786, RSMo

From Debt Offset Escrow Fund (0753).....	200,000
Total.....	\$12,934,527

***SECTION 3.195.** – To the University of Missouri

For operation of its various campuses and programs

All Expenditures

From General Revenue Fund (0101)	\$234,521,025
From Lottery Proceeds Fund (0291).....	46,842,748

For the purpose of funding the federal match requirement and the statewide operations in the areas of the Agricultural Extension Service

From General Revenue Fund (0101)	29,075,000
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For the purpose of delivering first professional doctorate degrees in Medicine, Veterinary Medicine, Dentistry, Pharmacy, and Optometry

From General Revenue Fund (0101)	101,329,000
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For research and development operations of the State's public research university

From General Revenue Fund (0101)	80,036,000
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For the Greenley Research Center for research related to the "Water Works for Agriculture in Missouri" initiative

From General Revenue Fund (0101)	275,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Fisher Delta Research Center From General Revenue Fund (0101)	1,000,000
For the University of Missouri School of Law Veterans Clinic From General Revenue Fund (0101)	325,000
For the Fisher Delta Research Center for the Rice Breeders Association From General Revenue Fund (0101)	120,000
For the eMINTS Program for prosocial education training initiatives for school districts and charter schools From General Revenue Fund (0101) (one-time)	15,000,000
For the payment of refunds set off against debt as required by Section 143.786, RSMo From Debt Offset Escrow Fund (0753)	1,400,000
Total	\$509,923,773

*I hereby veto \$5,000,000 general revenue for the statewide operations in the areas of the Agricultural Extension Service. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this item provides additional funding for the University of Missouri Extension, which is the responsibility of the University of Missouri's budget. The Fiscal Year 2024 budget approved by the General Assembly includes a 7 percent increase for public four-year institutions of higher education, totaling over \$58.9 million. Additionally, in researching this item it is unclear what the additional funding would be used for.

For the purpose of funding the federal match requirement and the statewide operations in the areas of the Agricultural Extension Service.

From \$29,075,000 to \$24,075,000 from General Revenue Fund.

I hereby veto \$15,000,000 general revenue for the University of Missouri eMINTS Program for prosocial education training initiatives for school districts and charter schools. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

For the eMINTS Program.

From \$15,000,000 to \$0 from General Revenue Fund.

From \$509,923,773 to \$489,923,773 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 3.200. – To the University of Missouri

For a program designed to increase international collaboration and economic opportunity located at the University of Missouri - St. Louis

From General Revenue Fund (0101) \$1,550,000

For matching funds for a federal grant for a center located at the University of Missouri - St. Louis to assist startups in developing defense medicine technologies to meet the needs of U.S. military and security forces

From General Revenue Fund (0101) 600,000

For matching funds for a federal grant for a center located at the University of Missouri - St. Louis to promote prevention, cure, and recovery from outbreaks of infectious disease and other health-related crises

From General Revenue Fund (0101) 250,000

Total..... \$2,400,000

SECTION 3.205. – To the University of Missouri

For the Missouri Telehealth Network, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101) \$437,640

For the purpose of creating and implementing up to eight (8) Extension for Community Healthcare Outcomes Programs. Four (4) of the programs shall focus on Hepatitis, Diabetes, Chronic Pain Management, and Childhood Asthma.

From General Revenue Fund (0101) 1,500,000

Total..... \$1,937,640

SECTION 3.210. – To the University of Missouri

For a program of research into spinal cord injuries

All Expenditures

From Spinal Cord Injury Fund (0578)..... \$1,500,000

SECTION 3.215. – To the University of Missouri

For the treatment of renal disease in a statewide program, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101) \$1,750,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 3.220.** – To the University of Missouri

For the State Historical Society, provided three percent (3%) flexibility is allowed from this section to Section 3.120

All Expenditures

From General Revenue Fund (0101)\$4,313,009

*I hereby veto \$408,536 general revenue for the State Historical Society. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, my recommended budget already provided funds for a salary increase in line with the increase planned to be implemented by the University of Missouri.

From \$4,313,009 to \$3,904,473 from General Revenue Fund.

From \$4,313,009 to \$3,904,473 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 3.225. – To the Board of Curators of the University of Missouri

For use by the University of Missouri pursuant to Sections 172.610 through 172.720, RSMo

From State Seminary Moneys Fund (0623)\$275,000

PART 2**SECTION 3.300.** – To the Department of Higher Education and Workforce

Development and public institutions of higher education

In reference to all sections in Part 1 of this act:

No funds shall be expended at public institutions of higher education that offer a tuition rate to any student with an unlawful immigration status in the United States that is less than the tuition rate charged to international students.

SECTION 3.305. – To the Department of Higher Education and Workforce

Development and public institutions of higher education

In reference to all sections in Part 1 of this act:

No scholarship funds shall be expended on behalf of students with an unlawful immigration status in the United States.

SECTION 3.310. – To the Department of Higher Education and Workforce

Development and public institutions of higher education

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Bill Totals

General Revenue Fund.....	\$1,229,177,032
Federal Funds.....	140,775,659
Other Funds.....	107,074,362
Total.....	\$1,477,027,053

Approved June 30, 2023

CCS SCS HCS HB 4

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

PART 1

SECTION 4.000.— Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an appropriation identified as “one-time” in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

SECTION 4.005. – To the Department of Revenue

For collecting highway related fees and taxes, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.175

Personal Service.....	\$8,940,714
Annual salary adjustment in accordance with Section 105.005, RSMo.....	18,797
Expense and Equipment.....	<u>2,827,573</u>
From General Revenue Fund (0101)	11,787,084

Personal Service.....	10,653,226
Annual salary adjustment in accordance with Section 105.005, RSMo.....	8,652
Expense and Equipment (including \$200,000 one-time)	<u>7,995,790</u>
From State Highways and Transportation Department Fund (0644)	18,657,668

For a new motor vehicle and driver licensing computer system, including design and procurement analysis, provided three percent (3%) flexibility is allowed from this section to Section 4.175

Personal Service	
From General Revenue Fund (0101)	221,887
From Motor Vehicle Administration Technology Fund (0696)	<u>667,156</u>
Total (Not to exceed 468.59 F.T.E.)	\$31,333,795

SECTION 4.010. – To the Department of Revenue

For the Division of Taxation, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.175

Personal Service.....	\$24,465,691
Expense and Equipment.....	<u>2,030,364</u>
From General Revenue Fund (0101)	26,496,055

Personal Service.....	37,371
Expense and Equipment.....	<u>1,071</u>
From Petroleum Storage Tank Insurance Fund (0585)	38,442

Personal Service.....	46,543
Expense and Equipment.....	<u>2,818</u>
From Petroleum Inspection Fund (0662).....	49,361

Personal Service.....	69,646
Expense and Equipment.....	<u>4,163</u>
From Health Initiatives Fund (0275).....	73,809

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	777,695
Expense and Equipment.....	<u>8,277</u>
From Conservation Commission Fund (0609)	785,972

For organizational dues, provided three percent (3%) flexibility is allowed from this section to Section 4.175

From General Revenue Fund (0101)	212,401
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For the integrated tax system, provided three percent (3%) flexibility is allowed from this section to Section 4.175

Expense and Equipment	
From General Revenue Fund (0101)	7,500,000
From Missouri Veterans' Health and Care Fund (0606)	<u>150,000</u>
Total (Not to exceed 514.00 F.T.E.)	\$35,306,040

SECTION 4.015. – To the Department of Revenue

For the Division of Motor Vehicle and Driver Licensing, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.175

Personal Service.....	\$504,381
Expense and Equipment.....	<u>380,232</u>
From General Revenue Fund (0101)	884,613

Personal Service.....	3,429
Expense and Equipment.....	<u>160,776</u>
From Department of Revenue - Federal Fund (0132)	164,205

Personal Service.....	266,679
Expense and Equipment.....	<u>245,840</u>
From Motor Vehicle Commission Fund (0588)	512,519

Personal Service.....	8,549
Expense and Equipment.....	<u>9,953</u>
From Department of Revenue Specialty Plate Fund (0775).	<u>18,502</u>
Total (Not to exceed 32.05 F.T.E)	\$1,579,839

SECTION 4.020. – To the Department of Revenue

For the Division of Legal Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.175

Personal Service.....	\$2,521,726
Expense and Equipment.....	<u>141,642</u>
From General Revenue Fund (0101)	2,663,368

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	263,626
Expense and Equipment.....	<u>211,587</u>
From Department of Revenue - Federal Fund (0132)	475,213
Personal Service.....	543,339
Expense and Equipment.....	<u>28,118</u>
From Motor Vehicle Commission Fund (0588)	571,457
Personal Service.....	51,451
Expense and Equipment.....	<u>3,323</u>
From Tobacco Control Special Fund (0984).....	<u>54,774</u>
Total (Not to exceed 62.80 F.T.E.)	\$3,764,812

SECTION 4.025. – To the Department of Revenue

For the Division of Administration, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.175

Personal Service.....	\$1,650,839
Annual salary adjustment in accordance with Section 105.005, RSMo.....	13,406
Expense and Equipment.....	<u>319,215</u>
From General Revenue Fund (0101)	1,983,460

Personal Service.....	69,909
Expense and Equipment.....	<u>3,470,006</u>
From Department of Revenue - Federal Fund (0132)	3,539,915

Personal Service.....	33,185
Expense and Equipment.....	<u>1,462,900</u>
From Child Support Enforcement Fund (0169).....	1,496,085

For postage, provided three percent (3%) flexibility is allowed from this section to Section 4.175

Expense and Equipment	
From General Revenue Fund (0101)	3,529,183
From Health Initiatives Fund (0275).....	5,373
From Motor Vehicle Commission Fund (0588)	44,029
From Conservation Commission Fund (0609)	<u>1,343</u>
Total (Not to exceed 41.11 F.T.E.)	\$10,599,388

***SECTION 4.026.** – To the Department of Revenue

For the Office of Taxpayer Advocate, to carry out duties under

Section 37.650, RSMo	
Personal Service.....	\$309,818
Expense and Equipment (including \$9,448 one-time).....	<u>61,084</u>
From General Revenue Fund (0101) (Not to exceed 4.00 F.T.E.)	\$370,902

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$370,902 general revenue for the Office of Taxpayer Advocate. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the Department of Revenue already provides these services. This is an unnecessary expansion of government.

Said section is vetoed in its entirety.

Personal Service from \$309,818 to \$0 from General Revenue Fund.

Expense and Equipment from \$61,084 to \$0 from General Revenue Fund.

From \$370,902 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.030. – To the Department of Revenue

For distribution to any political subdivision(s) to offset tax credits awarded by
the state of Missouri for property taxes levied on qualified rolling stock

From General Revenue Fund (0101) \$200,000

SECTION 4.035. – To the Department of Revenue

For distribution to port authorities to expand, develop, and redevelop advanced
industrial manufacturing zones including the satisfaction of bonds,
managerial, engineering, legal, research, promotion, and planning expenses

From Port Authority AIM Zone Fund (0583) \$2,091,155

For distribution to targeted industrial manufacturing enhancement zone boards
to expand, develop, and redevelop targeted industrial manufacturing
enhancement zones including the satisfaction of bonds, managerial,
engineering, legal, research, promotion, and planning expenses

From TIME Zone Fund (0604) 1,000,000

Total..... \$3,091,155

SECTION 4.040. – To the Department of Revenue

For fees to counties as a result of delinquent collections made by circuit attorneys
or prosecuting attorneys and payment of collection agency fees

From General Revenue Fund (0101) \$2,900,000

SECTION 4.045. – To the Department of Revenue

For fees to counties for the filing of lien notices and lien releases

From General Revenue Fund (0101) \$200,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.050. – To the Department of Revenue

For distribution to cities and counties of all funds accruing to the Motor Fuel Tax
Fund under the provisions of Sections 30(a) and 30(b), Article IV, of the
Constitution of Missouri

From Motor Fuel Tax Fund (0673).....\$305,000,000

SECTION 4.055. – To the Department of Revenue

For distribution of emblem use fee contributions collected for specialty plates

From General Revenue Fund (0101) \$34,100

SECTION 4.060. – To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment
credited to the General Revenue Fund

From General Revenue Fund (0101)\$1,684,000,000

SECTION 4.065. – To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment
credited to Federal and Other Funds

From Federal and Other Funds (Various)..... \$50,000

SECTION 4.070. – To the Department of Revenue

For refunds for any overpayment or erroneous payments of any tax or fee
credited to the State Highways and Transportation Department Fund

From State Highways and Transportation Department Fund (0644)\$1,200,000

SECTION 4.075. – To the Department of Revenue

For refunds for any overpayment or erroneous payment of any amount credited
to the Aviation Trust Fund

From Aviation Trust Fund (0952)..... \$50,000

SECTION 4.080. – To the Department of Revenue

For refunds and distributions of motor fuel taxes

From State Highways and Transportation Department Fund (0644)\$38,231,618

SECTION 4.085. – To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment
credited to the Workers' Compensation Fund

From Workers' Compensation Fund (0652)\$2,000,000

SECTION 4.090. – To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment
for tobacco taxes

From Health Initiatives Fund (0275)..... \$125,000

From State School Moneys Fund (0616)..... 25,000

From Fair Share Fund (0687) 11,000

Total..... \$161,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.095. – To the Department of Revenue
For apportionments to the several counties and the City of St. Louis to offset
credits taken against the County Stock Insurance Tax
From General Revenue Fund (0101) \$135,700

SECTION 4.100. – To the Department of Revenue
For tax delinquencies set off by tax credits
From General Revenue Fund (0101) \$300,000

SECTION 4.105. – To the Department of Revenue
Funds are to be transferred out of the State Treasury to the Debt Offset
Escrow Fund in such amounts as may be necessary to make payments of
refunds set off against debts as required by Section 143.786, RSMo
From General Revenue Fund (0101) \$19,657,384

SECTION 4.110. – To the Department of Revenue
Funds are to be transferred out of the State Treasury to the Circuit Courts
Escrow Fund in such amounts as may be necessary to make payments of
refunds set off against debts as required by Section 488.020(3), RSMo
From General Revenue Fund (0101) \$4,074,458

SECTION 4.115. – To the Department of Revenue
For refunds set off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753)..... \$1,339,119

SECTION 4.120. – To the Department of Revenue
Funds are to be transferred out of the State Treasury to the General Revenue
Fund
From School District Trust Fund (0688) \$2,500,000

SECTION 4.125. – To the Department of Revenue
Funds are to be transferred out of the State Treasury to the General Revenue
Fund in the amount of sixty-six hundredths percent of the funds received
From Parks Sales Tax Fund (0613)..... \$425,000

SECTION 4.130. – To the Department of Revenue
Funds are to be transferred out of the State Treasury to the General Revenue
Fund in the amount of sixty-six hundredths percent of the funds received
From Soil and Water Sales Tax Fund (0614)..... \$425,000

SECTION 4.135. – To the Department of Revenue
Funds are to be transferred out of the State Treasury for amounts from
income tax refunds designated by taxpayers for deposit in various income
tax check-off funds
From General Revenue Fund (0101) \$471,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.140. – To the Department of Revenue

Funds are to be transferred out of the State Treasury to the General Revenue
Fund for amounts from income tax refunds erroneously deposited to various
funds

From Other Funds (Various) \$13,669

SECTION 4.145. – To the Department of Revenue

For distribution from the various income tax check-off charitable trust funds

From Other Funds (Various) \$50,000

SECTION 4.150. – To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Highways
and Transportation Department Fund

From Department of Revenue Information Fund (0619) \$1,250,000

SECTION 4.155. – To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Highways
and Transportation Department Fund

From Motor Fuel Tax Fund (0673) \$898,000,000

SECTION 4.160. – To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Highways
and Transportation Department Fund

From Department of Revenue Specialty Plate Fund (0775) \$20,000

SECTION 4.165. – To the Department of Revenue

For the State Tax Commission, provided ten percent (10%) flexibility is allowed
between personal service and expense and equipment and three percent (3%)
flexibility is allowed from this section to Section 4.175

Personal Service \$2,620,368

Annual salary adjustment in accordance with Section 105.005, RSMo 31,793

Expense and Equipment 172,411

From General Revenue Fund (0101) 2,824,572

For the Productive Capability of Agricultural and Horticultural Land Use Study,
provided three percent (3%) flexibility is allowed from this section to
Section 4.175

Expense and Equipment

From General Revenue Fund (0101) 3,798

Total (Not to exceed 37.00 F.T.E.) \$2,828,370

SECTION 4.170. – To the Department of Revenue

For the state's share of the costs and expenses incurred pursuant to an approved
assessment and equalization maintenance plan as provided by Chapter 137,
RSMo

From General Revenue Fund (0101) \$11,217,163

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.175. – To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Legal Expense

Fund for the payment of claims, premiums, and expenses as provided by
Section 105.711 through 105.726, RSMo

From General Revenue Fund (0101)\$1

SECTION 4.180. – To the Department of RevenueFor the State Lottery Commission, provided ten percent (10%) flexibility is
allowed between personal service and expense and equipment and all moneys
received by the State Lottery Commission from the sale of Missouri lottery
tickets and from all other sources shall be deposited in the State Lottery Fund,
pursuant to Article III, Section 39(b) of the Missouri ConstitutionPersonal Service, excluding any purposes for which appropriations have
been made elsewhere in this section\$8,778,679Expense and Equipment, excluding any purposes for which appropriations
have been made elsewhere in this section6,964,405For payments to vendors for costs of the design, manufacture, licensing, leasing,
processing, and delivery of games administered by the State Lottery
Commission, excluding any purposes for which appropriations have been
made elsewhere in this section.....34,678,069For payments to vendors for costs of the design, manufacture, licensing, leasing,
processing, and delivery of no more than 500 video pull tab machines with
a maximum of six machines per location, excluding any purposes for which
appropriations have been made elsewhere in this section.....9,194,385

For advertising expenses5,400,000

For sponsorships or promotions1

For responsible gaming messaging400,000

From Lottery Enterprise Fund (0657) (Not to exceed 153.50 F.T.E.)\$65,415,539

SECTION 4.185. – To the Department of Revenue

For the State Lottery Commission

For the payment of prizes

From State Lottery Fund (0682).....\$200,277,993

SECTION 4.190. – To the Department of RevenueFunds are to be transferred out of the State Treasury to the Lottery Enterprise
Fund

From State Lottery Fund (0682).....\$82,102,220

SECTION 4.195. – To the Department of RevenueFunds are to be transferred out of the State Treasury to the Lottery Proceeds
Fund

From State Lottery Fund (0682).....\$410,043,875

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.400. – To the Department of Transportation

For the Highways and Transportation Commission and Highway Program

Administration, provided twenty percent (20%) flexibility is allowed
between Sections 4.400, 4.425, 4.450, 4.460, and 4.475

Personal Service.....	\$23,246,740
Expense and Equipment.....	6,566,988
From State Road Fund (0320).....	29,813,728

For organizational dues

From Multimodal Operations Federal Fund (0126)	5,000
From State Road Fund (0320).....	70,000
From Railroad Expense Fund (0659).....	5,000
Total (Not to exceed 349.57 F.T.E.)	\$29,893,728

SECTION 4.405. – To the Department of TransportationFor payment of the state's contribution to the Missouri Department of
Transportation and Highway Patrol Employees' Retirement System,
provided fifty percent (50%) flexibility is allowed between Sections 4.405,
4.410, 4.415 and 4.420

Personal Service	
From Multimodal Operations Federal Fund (0126)	\$372,820
From Department of Transportation - Highway Safety Fund (0149).....	286,376
From State Road Fund (0320).....	178,233,086
From Railroad Expense Fund (0659).....	419,295
From State Transportation Fund (0675)	115,278
From Aviation Trust Fund (0952).....	359,878
Total.....	\$179,786,733

SECTION 4.410. – To the Department of TransportationFor payment of the state's contribution for medical insurance, life insurance and
Employee Assistance Program benefits for active Missouri Department of
Transportation employees, provided fifty percent (50%) flexibility is
allowed between Sections 4.405, 4.410, 4.415 and 4.420

Personal Service	
From Multimodal Operations Federal Fund (0126)	\$94,817
From Department of Transportation - Highway Safety Fund (0149).....	64,009
From Railroad Expense Fund (0659).....	111,304
From State Transportation Fund (0675)	27,234
From Aviation Trust Fund (0952).....	91,365
Expense and Equipment.....	54,808,630
From State Road Fund (0320).....	90,809
Total.....	54,899,439
	\$55,288,168

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.415. – To the Department of Transportation

For payment of the state's contribution for medical and life insurance benefits for retired Missouri Department of Transportation employees, provided fifty percent (50%) flexibility is allowed between Sections 4.405, 4.410, 4.415 and 4.420

From State Road Fund (0320)\$18,739,968

SECTION 4.420. – To the Department of Transportation

For the provision of workers' compensation benefits to Missouri Department of Transportation employees, provided fifty percent (50%) flexibility is allowed between Sections 4.405, 4.410, 4.415 and 4.420

From State Road Fund (0320)\$9,227,380

SECTION 4.425. – To the Department of Transportation

For the Construction Program

To pay the cost of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travelways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges; and to expend funds from the United States Government for like purposes, provided twenty percent (20%) flexibility is allowed between Sections 4.400, 4.425, 4.450, 4.460, and 4.475

Personal Service.....\$88,938,770

Expense and Equipment.....28,170,889

Construction 1,933,408,000

From State Road Fund (0320)2,050,517,659

For all expenditures associated with paying outstanding state road bond debt, provided fifty percent (50%) flexibility is allowed between the State Road Fund and State Road Bond Fund

From State Road Fund (0320)117,388,981

From State Road Bond Fund (0319)..... 201,259,881

Total (Not to exceed 1,309.43 F.T.E.)\$2,369,166,521

SECTION 4.426. – To the Department of Transportation

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, such amount as may be necessary to pay the debt service for state road bonds issued in one or more series by the state Highways and Transportation Commission with a term for each series not to exceed fifteen years and annual debt service for all series payable in any year not to exceed \$136,000,000, pursuant to a financing agreement between the Commission

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and the Office of Administration, to fund not to exceed \$1,400,000,000 of the costs to plan, design, construct, reconstruct, rehabilitate and repair three lanes in each direction on I-70, to be deposited into the State Road Fund
 From General Revenue Fund (0101)\$136,000,000

SECTION 4.427. – To the Department of Transportation

For all expenditures associated with paying debt service of outstanding state road bonds issued by the state Highways and Transportation Commission pursuant to a financing agreement between the Commission and the Office of Administration related to the planning, designing, constructing, reconstructing, rehabilitating and repairing three lanes in each direction on I-70
 From the State Road Fund (0320).....\$136,000,000

SECTION 4.428. – To the Department of Transportation

For all expenditures associated with the planning, designing, constructing, reconstructing, rehabilitating and repairing three lanes in each direction on I-70 to be funded from state road bond proceeds
 From the State Road Fund I-70 Project Bond Proceeds Fund (0323).....\$1,400,000,000

SECTION 4.429. – To the Department of Transportation

For all expenditures associated with the planning, designing, constructing, reconstructing, rehabilitating and repairing three lanes in each direction on I-70 pursuant to a financing agreement between the Commission and the Office of Administration
 From State Road Fund I-70 Project Fund (0324)\$1,400,000,000

SECTION 4.430. – To the Department of Transportation

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, such amount as may be necessary to pay the debt service for state road bonds issued by the state Highways and Transportation Commission with a term not to exceed seven years and annual debt service not to exceed \$45,550,000, payable in accordance with a financing agreement between the Commission and the Office of Administration, with the state road bonds issued with respect to said financing agreement not to exceed \$301,000,000 of costs to plan, design, construct, reconstruct, rehabilitate, and make significant repairs to bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program, to be deposited into the State Road Fund
 From General Revenue Fund (0101)\$45,550,000

SECTION 4.435. – To the Department of Transportation

For all expenditures associated with paying debt service of outstanding state road bonds issued by the state Highways and Transportation Commission pursuant to a financing agreement between the Commission and the Office of Administration related to the planning, designing, construction, reconstruction, rehabilitation, and significant repair of 215 bridges on the

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 Matter in bold-face type is proposed language.

state highway system under the Commission's five-year Statewide Transportation Improvement Program
 From State Road Fund (0320)\$45,550,000

SECTION 4.440. – To the Department of Transportation

For all expenditures associated with the planning, designing, construction, reconstruction, rehabilitation, and significant repair of 215 bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program to be funded from state road bond proceeds, provided fifty percent (50%) flexibility is allowed between line items in this section

Personal Service.....\$3,506,453
 Fringe Benefits3,982,666
 Expense and Equipment.....92,082,903
 From State Road Fund (0320)\$99,572,022

SECTION 4.445. – To the Department of Transportation

For a transportation cost-share program with local communities, provided that these funds shall not supplant, and shall only supplement, the current planned allocation of road and bridge expenditures under the most recently adopted state transportation and improvement plan, including all amendments thereto, as of the date of passage of this bill by the General Assembly, and provided that the Department of Transportation and the Department of Economic Development work cooperatively to select projects with the greatest economic benefit to the State

From General Revenue Fund (0101)\$16,640,374
 From Budget Stabilization Fund (0522)75,000,000
 Total.....\$91,640,374

***SECTION 4.446.** – To the Department of Transportation

For an environmental impact study related to improvements to the Interstate 44 corridor

From General Revenue Fund (0101) (one-time)\$20,000,000

For an environmental impact study related to improvements to US Highway 63 from any city with more than one thousand nine hundred but fewer than two thousand one hundred fifty inhabitants and located in a county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants and with a county seat with more than one thousand nine hundred but fewer than two thousand three hundred inhabitants to any city with more than one thousand nine hundred but fewer than two thousand one hundred fifty inhabitants and that is the county seat of a county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants

From General Revenue Fund (0101) (one-time)5,000,000
 Total.....\$25,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

*I hereby veto \$5,000,000 general revenue for an environmental impact study related to improvements to U.S. Highway 63 between Cabool and Houston in Texas County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this project has not been prioritized in a regional planning process and was not included in the list of unfunded needs by the Missouri Department of Transportation.

For an environmental impact study related to improvements to US Highway 63.
 From \$5,000,000 to \$0 from General Revenue Fund.
 From \$25,000,000 to \$20,000,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.447. – To the Department of Transportation

For distribution to a county with more than two hundred thousand but fewer than two hundred thirty thousand inhabitants, for the planning, design, and construction of a bridge and improvements to the two roads connected by said bridge, as well as other intersection improvements related to an economic development project, provided that no local matching funds shall be required
 From General Revenue Fund (0101) (one-time)\$12,000,000

SECTION 4.448. – To the Department of Transportation

For the maintenance and improvements of a footbridge that is approximately five hundred sixty two feet long located in any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants, provided that no local matching funds shall be required
 From General Revenue Fund (0101)\$8,000,000

SECTION 4.450. – To the Department of Transportation

For the Maintenance Program

For preserving and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the preservation, maintenance, and safety of highways and bridges, provided ten percent (10%) is allowed between personal service and expense and equipment, and provided twenty percent (20%) flexibility is allowed between Sections 4.400, 4.425, 4.450, 4.460, and 4.475
 Personal Service.....\$493,356
 Expense and Equipment.....62,582
 From Department of Transportation - Highway Safety Fund (0149)..... 555,938

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

Personal Service.....	178,514,697
Expense and Equipment.....	<u>277,955,857</u>
From State Road Fund (0320).....	456,470,544

Expense and Equipment	
From Motorcycle Safety Trust Fund (0246)	250,000

For the maintenance and repair of low-volume routes	
From Budget Stabilization Fund (0522)	63,996,119

For allotments, grants, and contributions from grants of National Highway Safety Act moneys for vehicle checkpoints where motorists may be detained without individualized reasonable suspicion, and related administrative expenses.....	1
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For allotments, grants, and contributions from grants of National Highway Safety Act moneys for highway safety education and enforcement programs and their related administrative expenses, excluding expenses related to vehicle checkpoints where motorists may be detained without individualized reasonable suspicion	
From Department of Transportation - Highway Safety Fund (0149).....	22,000,582

For the Motor Carrier Safety Assistance Program	
From Motor Carrier Safety Assistance Program/Division of	
Transportation - Federal Fund (0185)	<u>5,500,691</u>
Total (Not to exceed 3,389.94 F.T.E.)	\$548,773,885

SECTION 4.455. – To the Department of Transportation

Funds are to be transferred out of the State Treasury to the State Road Fund	
From Missouri Medal of Honor Recipients Fund (0401)	\$250,000

SECTION 4.460. – To the Department of Transportation

For Fleet, Facilities, and Information Systems

For constructing, preserving, and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the construction, preservation, and maintenance of highways and bridges, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and provided twenty percent (20%) flexibility is allowed between Sections 4.400, 4.425, 4.450, 4.460, and 4.475	
Personal Service.....	\$14,286,083
Expense and Equipment (including \$6,050,000 one-time)	<u>105,756,667</u>
From State Road Fund (0320) (Not to exceed 272.25 F.T.E.).....	\$120,042,750

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.465. – To the Department of Transportation

For refunding any tax or fee credited to the State Highways and

Transportation Department Fund	\$1,000,000
For refunds and distributions of motor fuel taxes	<u>25,000,000</u>
From State Highways and Transportation Department Fund (0644)	\$26,000,000

SECTION 4.470. – To the Department of Transportation

Funds are to be transferred out of the State Treasury to the State Road Fund

From State Highways and Transportation Department Fund (0644)	\$813,945,000
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SECTION 4.475. – To the Department of Transportation

For Multimodal Operations Administration, provided ten percent (10%)

flexibility is allowed between personal service and expense and equipment,

and further provided twenty percent (20%) flexibility is allowed between

Sections 4.400, 4.425, 4.450, 4.460, and 4.475

Personal Service.....	\$642,455
Expense and Equipment.....	<u>270,402</u>
From Multimodal Operations Federal Fund (0126)	912,857

Personal Service.....	653,101
Expense and Equipment.....	<u>42,200</u>
From State Road Fund (0320).....	695,301

Personal Service.....	722,468
Expense and Equipment.....	<u>160,024</u>
From Railroad Expense Fund (0659).....	882,492

Personal Service.....	198,601
Expense and Equipment.....	<u>67,047</u>
From State Transportation Fund (0675)	265,648

Personal Service.....	619,994
Expense and Equipment.....	<u>26,726</u>
From Aviation Trust Fund (0952).....	<u>646,720</u>
Total (Not to exceed 42.68 F.T.E.)	\$3,403,018

SECTION 4.480. – To the Department of Transportation

For Multimodal Operations

Funds are to be transferred out of the State Treasury to the State Road Fund

for providing professional and technical services and administrative support

of the multimodal program

From Multimodal Operations Federal Fund (0126)	\$167,000
From Railroad Expense Fund (0659).....	690,000
From State Transportation Fund (0675)	70,000
From Aviation Trust Fund (0952).....	<u>151,134</u>
Total.....	\$1,078,134

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.485. – To the Department of Transportation

For Multimodal Operations

For loans from the State Transportation Assistance Revolving Fund to political subdivisions of the state or to public or private not-for-profit organizations or entities in accordance with Section 226.191, RSMo

From State Transportation Assistance Revolving Fund (0841).....\$1,000,000

SECTION 4.490. – To the Department of Transportation

For the Transit Program

For distributing funds to urban, small urban, and rural transportation systems

From General Revenue (0101).....\$10,000,000

From State Transportation Fund (0675)1,710,875

Total.....\$11,710,875

SECTION 4.495. – To the Department of Transportation

For the Transit Program

For locally matched grants under Sections 5310 and 5317, Title 49, United States Code to assist private, non-profit organizations in improving public transportation for the state's elderly and people with disabilities and to assist disabled persons with transportation services beyond those required by the Americans with Disabilities Act, provided twenty-five percent (25%) flexibility is allowed between Sections 4.495, 4.505, 4.510, 4.515, and 4.520

From Multimodal Operations Federal Fund (0126)\$14,300,000

SECTION 4.500. – To the Department of Transportation

For the Transit Program

For an operating subsidy for not-for-profit transporters of the elderly, people with disabilities, and low-income individuals, provided three percent (3%) flexibility is allowed from this section to Section 4.570

From General Revenue Fund (0101)\$3,725,522

From State Transportation Fund (0675)1,274,478

Total.....\$5,000,000

SECTION 4.505. – To the Department of Transportation

For the Transit Program

For locally matched grants under Sections 5311, 5312, and 5316, Title 49, United States Code, provided twenty-five percent (25%) flexibility is allowed between Sections 4.495, 4.505, 4.510, 4.515, and 4.520

From Multimodal Operations Federal Fund (0126)\$31,000,000

For grants under Sections 5310, 5311, 5312, and 5340, Title 49, United States Code

From Department of Transportation Federal Stimulus Fund (2320).....18,000,000

For assistance to transit providers to continue responding to the ongoing COVID-19 pandemic, including for costs to assist with operations, including payroll and personal protective equipment expenses, including support to

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rural transit agencies and transit service for the elderly and individuals with disabilities, pursuant to the provisions of the American Rescue Plan Act of 2021

From Department of Transportation Federal Stimulus - 2021 Fund (2443)..... 12,903,690
Total.....\$61,903,690

SECTION 4.510. – To the Department of Transportation

For the Transit Program

For grants under Section 5309, Title 49, United States Code to assist private, non-profit organizations providing public transportation services, provided twenty-five percent (25%) flexibility is allowed between Sections 4.495, 4.505, 4.510, 4.515, and 4.520

From Multimodal Operations Federal Fund (0126)\$1,000,000

SECTION 4.515. – To the Department of Transportation

For the Transit Program

For grants to metropolitan areas under Section 5303, Title 49, United States Code, provided twenty-five percent (25%) flexibility is allowed between Sections 4.495, 4.505, 4.510, 4.515, and 4.520

From Multimodal Operations Federal Fund (0126)\$1,500,000

SECTION 4.520. – To the Department of Transportation

For the Transit Program

For grants to public transit providers to replace, rehabilitate, and purchase vehicles and related equipment and to construct vehicle-related facilities, provided twenty-five percent (25%) flexibility is allowed between Sections 4.495, 4.505, 4.510, 4.515, and 4.520

From Multimodal Operations Federal Fund (0126)
(including \$500,000 one-time)\$13,900,000

SECTION 4.525. – To the Department of Transportation

For the Light Rail Safety Program

From Multimodal Operations Federal Fund (0126)\$505,962

From State Transportation Fund (0675) 126,491

Total.....\$632,453

SECTION 4.530. – To the Department of Transportation

For the Rail Program

For daily passenger rail service in Missouri, provided the department operate the service without incurring any further arrears or otherwise commit itself or the state to any form of debt payments to operate the service

From General Revenue Fund (0101)\$14,500,000

SECTION 4.535. – To the Department of Transportation

For station repairs and improvements at Missouri Amtrak stations

From State Transportation Fund (0675)\$25,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 4.537.** – To the Department of Transportation

For the planning, design, and construction of a multimodal facility and extension of a rail spur to serve said facility in a county with more than seventy thousand but fewer than eighty thousand inhabitants, provided that no local matching funds shall be required

From General Revenue Fund (0101) (one-time)\$2,000,000

*I hereby veto \$2,000,000 general revenue for the planning, design, and construction of a multimodal facility and extension of a rail spur to serve the facility. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this funding is for a facility that will operate in conjunction with the planned Jefferson City port; however, final plans have not yet been developed. Additionally, this project has not been prioritized in a regional planning process and was not included in the list of unfunded needs by the Missouri Department of Transportation.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from General Revenue Fund.

From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.540. – To the Department of Transportation

For protection of the public against hazards existing at railroad crossings pursuant to Chapter 389, RSMo

From General Revenue Fund (0101) (one-time)\$50,000,000

From Grade Crossing Safety Account (0290)..... 3,000,000

Total.....\$53,000,000

SECTION 4.545. – To the Department of Transportation

For the Aviation Program

For construction, capital improvements, and maintenance of publicly owned airfields, including land acquisition, and for printing charts and directories

From Aviation Trust Fund (0952).....\$10,000,000

For the construction of a commercial terminal facility at a joint-use military and civilian airport located in a county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than four thousand but fewer than seven thousand inhabitants

From General Revenue Fund (0101) 2,600,104

Total.....\$12,600,104

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.550. – To the Department of Transportation

For the Aviation Program

For construction, capital improvements, or planning of publicly owned airfields by cities or other political subdivisions, including land acquisition, pursuant to the provisions of the State Block Grant Program administered through the Federal Airport Improvement Program and the Infrastructure Investment and Jobs Act

From Multimodal Operations Federal Fund (0126)\$56,103,657

For construction, capital improvements, or planning of a joint-use military and civilian airport located in a county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than four thousand but fewer than seven thousand inhabitants, including land acquisition, pursuant to the provisions of the State Block Grant Program administered through the Federal Airport Improvement Program and the Infrastructure Investment and Jobs Act

From Multimodal Operations Federal Fund (0126) (one-time)9,000,000

For construction, capital improvements, or planning of a municipal airport located in a city with more than forty thousand but fewer than fifty-one thousand inhabitants and partially located in a county with more than seventy thousand but fewer than eighty thousand inhabitants, including land acquisition, pursuant to the provisions of the State Block Grant Program administered through the Federal Airport Improvement Program and the Infrastructure Investment and Jobs Act

From Multimodal Operations Federal Fund (0126) (one-time)..... 3,400,000

For construction, capital improvements, or planning of a joint-use military and civilian airport located in a county with more than eighty thousand but fewer than one hundred thousand inhabitants and with a county seat with more than seventy thousand but fewer than eighty thousand inhabitants, including land acquisition, pursuant to the provisions of the State Block Grant Program administered through the Federal Airport Improvement Program and the Infrastructure Investment and Jobs Act

From Multimodal Operations Federal Fund (0126) (one-time).....8,800,000

From General Revenue Fund (0101) (one-time)10,200,000

For construction, capital improvements, operations, or planning of publicly owned airfields by cities or other political subdivisions, including land acquisition, pursuant to the provisions of the Coronavirus Aid, Relief, and Economic Security Act

From Department of Transportation Federal Stimulus Fund (2320).....1,200,000

For assistance to airport sponsors to prevent, prepare for, and respond to COVID-19, including for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the

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Matter in bold-face type is proposed language.

airport, and debt service payments, pursuant to the provisions of the American Rescue Plan Act of 2021
 From Department of Transportation Federal Stimulus - 2021 Fund (2443)..... 2,207,000

For the planning, design, and improvements of an airport in a city with more than thirty-six thousand five hundred but fewer than forty thousand inhabitants, provided that no local matching funds shall be required
 From General Revenue Fund (0101) (one-time) 350,000
 Total.....\$91,260,657

SECTION 4.555. – To the Department of Transportation

For the Waterways Program

For grants to port authorities for assistance in port planning, acquisition, or construction within the port districts, provided three percent (3%) flexibility is allowed from this section to Section 4.570

From General Revenue Fund (0101) (including \$650,000 one-time).....\$12,270,577
 From State Transportation Fund (0675) 800,000

For a grant to a port authority located in any county with more than two hundred thousand but fewer than two hundred thirty thousand inhabitants, for assistance in port planning, acquisition, or construction within the port district

From Budget Stabilization Fund (0522) (one-time) 25,000,000
 Total.....\$38,070,577

SECTION 4.560. – To the Department of Transportation

For the Federal Rail, Port and Freight Assistance Program

From Multimodal Operations Federal Fund (0126) (including \$10,000,000 one-time)\$36,000,000

SECTION 4.565. – To the Department of Transportation

For the Freight Enhancement Program

For projects to improve connectors for ports, rail, and other non-highway transportation systems

From State Transportation Fund (0675)\$3,250,000

SECTION 4.570. – To the Department of Transportation

Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo

From General Revenue Fund (0101)\$1

PART 2

SECTION 4.600. – To the Department of Revenue and the Department of Transportation

In reference to all sections in Part 1 of this act:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

Department of Revenue Totals

General Revenue Fund.....	\$73,935,287
Federal Funds.....	4,179,333
Other Funds.....	596,911,177
Total.....	\$675,025,797

Department of Transportation Totals

General Revenue Fund.....	\$348,836,578
Federal Funds.....	403,609,519
Other Funds.....	3,361,291,807
Total.....	\$4,113,737,904

Approved June 30, 2023

CCS SS SCS HCS HB 5

Appropriates money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, and the Chief Executive's Office

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

PART 1

SECTION 5.000.— Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the

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Matter in bold-face type is proposed language.

fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an appropriation identified as "one-time" in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

SECTION 5.005. – To the Office of Administration

For the Commissioner's Office, provided three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided five percent (5%) flexibility is allowed from personal service to expense and equipment, and five percent (5%) flexibility is allowed between Sections 5.005, 5.015, 5.020, 5.025, 5.030, 5.055, 5.070, 5.085, and 5.100

Personal Service.....	\$1,062,121
Annual salary adjustment in accordance with Section 105.005, RSMo.....	31,739
Expense and Equipment (includes \$4,862 one-time).....	<u>89,195</u>
From General Revenue Fund (0101)	1,183,055

For the Office of Equal Opportunity, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	419,669
Expense and Equipment.....	<u>81,334</u>
From General Revenue Fund (0101)	501,003

For the purpose of a Prescription Drug Monitoring Program, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	249,902
Expense and Equipment (includes \$1,390,652 one-time)	<u>1,935,652</u>
From General Revenue Fund (0101)	2,185,554

Expense and Equipment

From Office of Administration - Federal Fund (0135) (one-time)	<u>400,000</u>
Total (Not to exceed 22.50 F.T.E.)	\$4,269,612

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 5.010.** – To the Office of Administration

For the Commissioner's Office

For funding a program for low-risk offender supervision, that monitors individuals subject to pre-conviction or post-conviction supervision through a check-in system that the supervising agency or circuit can access through a secure web-based platform; a secondary objective is to establish exclusion zones and compliance levels through a platform capable of generating relevant reports; supervision of defendants when implementing Supreme Court Rule 33.01 relating to a pre-trial defendant's right to release

From General Revenue (0101) \$6,000,000

*I hereby veto \$2,000,000 general revenue for the electronic monitoring program. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this budget currently includes \$4 million for this program. This funding would expand the current electronic monitoring pilot program. Time should be given to allow the program to demonstrate success before increasing the state's investment.

From \$6,000,000 to \$4,000,000 from General Revenue Fund.

From \$6,000,000 to \$4,000,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.015. – To the Office of Administration

For the Division of Accounting, provided three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided five percent (5%) flexibility is allowed between personal service to expense and equipment, and five percent (5%) flexibility is allowed between Sections 5.005, 5.015, 5.020, 5.025, 5.030, 5.055, 5.070, 5.085, and 5.100

Personal Service \$3,687,113

Expense and Equipment 132,436

From General Revenue Fund (0101) 3,819,549

For the implementation of a new enterprise resource planning system, provided twenty-five percent (25%) flexibility is allowed between personal service to expense and equipment

Personal Service 4,217,453

Expense and Equipment 8,406,474

From General Revenue (0101) 12,623,927

Total (Not to exceed 108.00 F.T.E.) \$16,443,476

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 5.020. – To the Office of Administration

For the Division of Budget and Planning, provided three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided fifteen percent (15%) flexibility is allowed between personal service and expense and equipment, and five percent (5%) flexibility is allowed between Sections 5.005, 5.015, 5.020, 5.025, 5.030, 5.055, 5.070, 5.085, and 5.100

Personal Service.....	\$2,339,883
Expense and Equipment (includes \$4,094 one-time).....	76,007
From General Revenue Fund (0101)	2,415,890

For census preparation

From General Revenue Fund (0101)	27,461
Total (Not to exceed 26.00 F.T.E.)	\$2,443,351

***SECTION 5.022.** – To the Office of Administration

For reimbursement to the General Revenue Fund, for costs borne by the General Revenue Fund of federal and other fund costs related to the fiscal year 2024 cost of living adjustments for state employees,
Funds are to be transferred out of the State Treasury to the General Revenue Fund

From Federal funds (Various)	\$10,879,918
From Other funds (Various)	1,863,488
Total.....	\$12,743,406

*I hereby veto \$12,743,406 federal and other funds for reimbursement to the General Revenue Fund, for costs borne by the General Revenue Fund related to the Fiscal Year 2024 cost-of-living adjustments for state employees. This transfer is unnecessary; there are currently administrative mechanisms to achieve this perceived need.

Said section is vetoed in its entirety.

From \$10,879,918 to \$0 from Federal Funds.

From \$1,863,488 to \$0 from Other Funds.

From \$12,743,406 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.025. – To the Office of Administration

For the Information Technology Services Division, provided three percent (3%) flexibility is allowed from this section to Section 5.150, and provided that twenty-five percent (25%) flexibility is allowed between and within personal service and expense and equipment within Section 5.025, and further provided that twenty-five percent (25%) flexibility is allowed from this section to Section 5.030 between the general revenue fund, twenty-five percent (25%) flexibility is allowed from this section to Section 5.030 between federal funds, and twenty-five percent (25%) flexibility is allowed from this section to Section 5.030 between other funds, and five percent (5%) flexibility is allowed between Sections 5.005, 5.015, 5.020, 5.025, 5.030, 5.055, 5.070, 5.085, and 5.100

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For Information Technology Services Division billings	
Personal Service.....	\$10,443,690
Expense and Equipment.....	<u>46,987,366</u>
From Missouri Revolving Information Technology Trust Fund (0980).....	57,431,056
For providing state-wide information technology applications, infrastructure and administrative support	
Personal Service.....	6,252,232
Expense and Equipment.....	<u>23,788,537</u>
From General Revenue Fund (0101)	30,040,769
For a cloud infrastructure monitoring and management project	
Expense and Equipment	
From General Revenue Fund (0101)	224,978
For a network resiliency and operations project	
Expense and Equipment	
From General Revenue Fund (0101) (includes \$100,000 one-time).....	3,600,000
Personal Service.....	4,998,588
Expense and Equipment.....	<u>7,116,934</u>
From OA Information Technology Federal Fund (0165)	12,115,522
For funding information technology security enhancements	
Personal Service.....	3,365,215
Expense and Equipment.....	<u>17,222,863</u>
From General Revenue Fund (0101)	<u>20,588,078</u>
Total (Not to exceed 338 F.T.E.).....	\$124,000,403

SECTION 5.030. – To the Office of Administration

For the Information Technology Services Division, provided three percent (3%) flexibility is allowed from this section to Section 5.145, and provided twenty-five percent (25%) flexibility is allowed between and within personal service and expense and equipment within Section 5.030, and further provided twenty-five percent (25%) flexibility is allowed between and within departments' general revenue funds, twenty-five percent (25%) flexibility is allowed between and within departments' federal funds, and twenty-five percent (25%) flexibility is allowed between and within departments' other funds, and five percent (5%) flexibility is allowed between Sections 5.005, 5.015, 5.020, 5.025, 5.030, 5.055, 5.070, 5.085, and 5.100

For the Department of Elementary and Secondary Education	
Personal Service.....	\$753,754
Expense and Equipment.....	<u>580,400</u>
From General Revenue Fund (0101)	1,334,154
From OA Information Technology Federal Fund (0165)	4,117,836
From Other Funds (Various)	341,659

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Department of Higher Education and Workforce Development	
Personal Service (including \$67,619 one-time).....	823,019
Expense and Equipment (including \$245,769 one-time)	<u>1,672,975</u>
From General Revenue Fund (0101)	2,495,994
From OA Information Technology Federal Fund (0165)	2,673,860
From Other Funds (Various)	297,240
For the Department of Revenue	
Personal Service.....	5,101,270
Expense and Equipment.....	<u>21,751,721</u>
From General Revenue Fund (0101)	26,852,991
From OA Information Technology Federal Fund (0165)	2
From Motor Vehicle Administrative Technology Fund (0696)	27,000,000
From Other Funds (Various)	3,181,422
For the Office of Administration	
Personal Service.....	3,090,307
Expense and Equipment.....	<u>6,233,674</u>
From General Revenue Fund (0101)	9,323,981
From OA Information Technology Federal Fund (0165)	2
From Other Funds (Various)	555,684
For the Department of Agriculture	
Personal Service.....	330,542
Expense and Equipment.....	<u>311,754</u>
From General Revenue Fund (0101)	642,296
From OA Information Technology Federal Fund (0165)	2
From Other Funds (Various)	656,667
For the Department of Natural Resources	
Personal Service.....	487,457
Expense and Equipment.....	<u>63,171</u>
From General Revenue Fund (0101)	550,628
From OA Information Technology Federal Fund (0165)	2,004,091
From Other Funds (Various)	7,217,355
For the Department of Economic Development	
Personal Service.....	346,188
Expense and Equipment.....	<u>455,613</u>
From General Revenue Fund (0101)	801,801
From OA Information Technology Federal Fund (0165)	374,215
From Other Funds (Various)	1,217,458

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For the Department of Commerce and Insurance	
Personal Service.....	1,186
Expense and Equipment.....	<u>36,000</u>
From General Revenue Fund (0101)	37,186
From Other Funds (Various)	2,922,171
For the Department of Labor and Industrial Relations	
Personal Service.....	1
Expense and Equipment.....	<u>35,709</u>
From General Revenue Fund (0101)	35,710
From Department of Labor and Industrial Relations Administrative	
Fund (0122).....	4,155,177
From OA Information Technology Federal Fund (0165)	4,835,525
From Division of Labor Standards - Federal Fund (0186).....	7,701
From Department of Labor Federal Stimulus Fund (2375)	6,700,000
From Department of Labor Federal Stimulus 2021 Fund (2452).....	2,599,024
From Other Funds (Various)	40,477,160
For the Department of Public Safety	
Personal Service.....	1,271,731
Expense and Equipment.....	<u>1,788,062</u>
From General Revenue Fund (0101)	3,059,793
From OA Information Technology Federal Fund (0165)	48,670
From Other Funds (Various)	4,470,101
For the Department of Corrections	
Personal Service.....	2,806,987
Expense and Equipment.....	<u>5,490,958</u>
From General Revenue Fund (0101)	8,297,945
From OA Information Technology Federal Fund (0165)	7,402
From Other Funds (Various)	274,819
For the Department of Health and Senior Services	
Personal Service.....	2,149,400
Expense and Equipment.....	<u>488,913</u>
From General Revenue Fund (0101)	2,638,313
From OA Information Technology Federal Fund (0165)	26,514,235
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	615,916
From Department of Health and Senior Services Federal Stimulus	
2021 Fund (2457)	48,233
From Other Funds (Various)	2,833,523

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For the Department of Mental Health	
Personal Service.....	6,274,109
Expense and Equipment.....	<u>2,954,674</u>
From General Revenue Fund (0101)	9,228,783
From OA Information Technology Federal Fund (0165)	3,722,305
For the Department of Social Services	
Personal Service.....	3,686,769
Expense and Equipment.....	<u>1,284,393</u>
From General Revenue Fund (0101)	4,971,162
From OA Information Technology Federal Fund (0165)	26,898,632
From Temporary Assistance for Needy Families Federal Fund (0199).....	<u>10,101,198</u>
Total (Not to exceed 562.49 F.T.E.)	\$257,140,022

SECTION 5.035. – To the Office of Administration

For the Information Technology Services Division

For the centralized telephone billing system

Expense and Equipment

From Missouri Revolving Information Technology Trust Fund (0980).....\$44,700,697

SECTION 5.040. – To the Office of Administration

Funds are to be transferred out of the State Treasury to the E-Procurement

and State Technology Fund

From Missouri Revolving Information Technology Trust Fund (0980).....\$13,200,000

For receiving and expending funds for E-Procurement activities

From E-Procurement and State Technology Fund (0495)
| Total..... | \$18,200,000 |
SECTION 5.045. – To the Office of Administration

For the Information Technology Services Division

For replacement of the statewide accounting and budgeting systems, including consulting and procurement, per a memorandum of understanding between the Missouri House of Representatives, the Missouri Senate, the Office of Administration, and the Judiciary

From General Revenue Fund (0101)
| From E-Procurement and State Technology Fund (0495) | 8,200,000 |
| Total..... | \$42,229,640 |
SECTION 5.050. – To the Office of Administration

For the Division of Accounting

Funds are to be transferred out of the State Treasury, such amounts as are necessary for allocation of costs to other funds in support of the implementation of a new enterprise resource planning system.

From Other Funds (Various)

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Matter in bold-face type is proposed language.

SECTION 5.055. – To the Office of Administration

For the Division of Personnel, provided three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided five percent (5%) flexibility is allowed between personal service and expense and equipment, and five percent (5%) flexibility is allowed between Sections 5.005, 5.015, 5.020, 5.025, 5.030, 5.055, 5.070, 5.085, and 5.100

Personal Service.....	\$4,389,041
Expense and Equipment (including \$51,070 one-time).....	3,172,318
From General Revenue (0101).....	7,561,359
Personal Service.....	150,894
Expense and Equipment.....	471,555
From Office of Administration Revolving Administrative Trust Fund (0505).....	622,449
Personal Service.....	39,024
Expense and Equipment.....	3,600
From Missouri Revolving Information Technology Trust Fund (0980).....	42,624
For creation of a center for Operational Excellence	
Personal Service.....	536,435
Expense and Equipment.....	97,990
From General Revenue Fund (0101).....	634,425
For a Statewide Employee Referral Program	
From General Revenue Fund (0101).....	148,865
From Federal Funds (various).....	62,842
From Other Funds (various).....	72,793
For data analytics and qualitative analysis based on available hiring data to enhance both job fit in the hiring process and employee retention by developing algorithms to detect early signs of employee disengagement, accompanied with personalized and practical feedback to substantially reduce employee turnover rate	
From General Revenue Fund (0101).....	2,200,000
Total (Not to exceed 79.72 F.T.E.).....	\$11,345,357

SECTION 5.060. – To the Office of Administration

For the Statewide Rewards and Recognition Program

From General Revenue Fund (0101).....	\$6,663,450
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SECTION 5.065. – To the Office of Administration

For the Division of Personnel

For an employee suggestion program

From General Revenue Fund (0101).....	\$20,000
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SECTION 5.070. – To the Office of Administration

For the Division of Purchasing and Materials Management, provided three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided five percent (5%) flexibility is allowed between personal service and expense and equipment, and five percent (5%) flexibility is allowed between Sections 5.005, 5.015, 5.020, 5.025, 5.030, 5.055, 5.070, 5.085, and 5.100

Personal Service.....	\$2,805,190
Expense and Equipment (including \$27,800 one-time).....	<u>112,466</u>
From General Revenue Fund (0101)	2,917,656

Personal Service

From Department of Mental Health - Federal Funds (0148)	11,892
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From Job Development and Training Fund (0155)	1,517
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From Department of Labor and Industrial Relations Administrative

Fund (0122)	3,086
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From DNR Cost Allocation Fund (0500)	7,262
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From DCI Administrative Fund (0503)	2,481
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From Department of Economic Development Administrative Fund (0547)	1,917
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From Agriculture Protection Fund (0970)	1,895
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From State Facility Maintenance and Operation Fund (0501)	<u>8,125</u>
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Total (Not to exceed 43.00 F.T.E.)	\$2,955,831
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SECTION 5.075. – To the Office of Administration

For the Division of Purchasing and Materials Management

For refunding bid and performance bonds

From Office of Administration Revolving Administrative Trust Fund (0505)	\$3,000,000
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SECTION 5.080. – To the Office of Administration

For the Division of Facilities Management, Design and Construction Asset Management

For authority to spend donated funds to support renovations and operations of the Governor's Mansion

From State Facility Maintenance and Operation Fund (0501)	\$60,000
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SECTION 5.085. – To the Office of Administration

For the Division of Facilities Management, Design and Construction Asset Management

For any and all expenditures necessary for funding the operations of the Board of Public Buildings, state-owned and leased office buildings, institutional facilities, laboratories, and support facilities, provided five percent (5%) flexibility is allowed between personal service and expense and equipment, and five percent (5%) flexibility is allowed between Sections 5.005, 5.015, 5.020, 5.025, 5.030, 5.055, 5.070, 5.085, and 5.100

Expense and Equipment

From General Revenue Fund (0101) (one-time)	\$802,500
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Personal Service.....	25,064,352
Expense and Equipment (including \$306,770 one-time)	<u>46,053,883</u>
From State Facility Maintenance and Operation Fund (0501)	
(Not to exceed 495.25 F.T.E.).....	\$71,920,735

SECTION 5.090. – To the Office of Administration

For the Division of Facilities Management, Design and Construction Asset
Management

For funding expenditures associated with the State Capitol Commission

Expense and Equipment

From State Capitol Commission Fund (0745) \$25,000

SECTION 5.095. – To the Board of Public Buildings

For the Office of Administration

For the Division of Facilities Management, Design and Construction Asset
Management

For modifications, replacement, repair costs, and other support services at
state-operated facilities or institutions when recovery is obtained from a third
party including energy rebates or disaster recovery

From State Facility Maintenance and Operation Fund (0501)..... \$2,000,000

SECTION 5.100. – To the Office of Administration

For the Division of General Services, provided three percent (3%) flexibility is
allowed from this section to Section 5.150, and further provided five percent
(5%) flexibility is allowed between personal service and expense and
equipment, and five percent (5%) flexibility is allowed between Sections
5.005, 5.015, 5.020, 5.025, 5.030, 5.055, 5.070, 5.085, and 5.100

Personal Service..... \$1,181,529

Expense and Equipment..... 214,550

From General Revenue Fund (0101) 1,396,079

Personal Service..... 3,778,128

Expense and Equipment..... 979,728

From Office of Administration Revolving Administrative Trust Fund (0505) 4,757,856

Total (Not to exceed 103.00 F.T.E.) \$6,153,935

SECTION 5.105. – To the Office of Administration

For the Division of General Services

For the operation of the State Agency for Surplus Property

Personal Service..... \$1,087,724

Expense and Equipment..... 646,095

From Federal Surplus Property Fund (0407) (Not to exceed 19.00 F.T.E.) \$1,733,819

SECTION 5.110. – To the Office of Administration

For the Division of General Services

For the Fixed Price Vehicle Program

Expense and Equipment

From Federal Surplus Property Fund (0407) \$1,495,994

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SECTION 5.115. – To the Office of Administration

Funds are to be transferred out of the State Treasury to the Department of Social Services for the heating assistance program, as provided by Section 34.032, RSMo

From Federal Surplus Property Fund (0407) \$30,000

SECTION 5.120. – To the Office of Administration

For the Division of General Services

For the disbursement of surplus property sales receipts

From Proceeds of Surplus Property Sales Fund (0710) \$299,894

SECTION 5.125. – To the Office of Administration

Funds are to be transferred out of the State Treasury to various state agency funds

From Proceeds of Surplus Property Sales Fund (0710) \$3,000,000

SECTION 5.130. – To the Office of Administration

Funds are to be transferred out of the State Treasury to the State Property Preservation Fund

From Other Funds (Various) \$25,000,000

SECTION 5.135. – To the Office of Administration

For the Division of General Services

For the repair or replacement of state-owned or leased facilities that have suffered damage from natural or man-made events or for the defeasance of outstanding debt secured by the damaged facilities when a notice of coverage has been issued by the Commissioner of Administration, as provided by Sections 37.410 through 37.413, RSMo

From State Property Preservation Fund (0128)..... \$25,000,000

SECTION 5.140. – To the Office of Administration

For the Division of General Services

For rebillable expenses and for the replacement or repair of damaged equipment when recovery is obtained from a third party
Expense and Equipment

From Office of Administration Revolving Administrative Trust Fund (0505) \$15,480,000

SECTION 5.145. – To the Office of Administration

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Sections 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101) \$18,625,000

From Other Funds (Various) 15,000,000

Total..... \$33,625,000

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SECTION 5.150. – To the Office of Administration

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)\$1

SECTION 5.155. – To the Office of Administration

For the Division of General Services

For the payment of claims and expenses as provided by Section 105.711 et seq., RSMo, and for purchasing insurance against any or all liability of the State of Missouri or any agency, officer, or employee thereof

From State Legal Expense Fund (0692)\$100,000,229

SECTION 5.160. – To the Office of Administration

For the Administrative Hearing Commission, provided three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided twenty percent (20%) flexibility is allowed between personal service and expense and equipment

Personal Service.....\$1,162,374

Annual salary adjustment in accordance with Section 105.005, RSMo..... 44,034

Expense and Equipment..... 62,579

From General Revenue Fund (0101) 1,268,987

Personal Service..... 84,910

Annual salary adjustment in accordance with Section 105.005, RSMo..... 7,387

From Administrative Hearing Commission Educational Due Process

Hearing Fund (0818) 92,297

Personal Service..... 134,518

Expense and Equipment..... 82,800

From Missouri Veterans' Health and Care Fund (0606) 217,318

Total (Not to exceed 18.50 F.T.E.)\$1,578,602

SECTION 5.165. – To the Office of Administration

For funding the Office of Child Advocate, provided three percent (3%) flexibility is allowed from this section to Section 5.145, and further provided five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....\$332,479

Expense and Equipment..... 8,252

From General Revenue Fund (0101) 340,731

Personal Service..... 156,440

Expense and Equipment..... 15,159

From Office of Administration - Federal Fund (0135) 171,599

Total (Not to exceed 7.00 F.T.E.).....\$512,330

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***SECTION 5.170.** – To the Office of Administration

For the administrative, promotional, and programmatic costs of the Children's Trust Fund Board as provided by Section 210.173, RSMo, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided twenty-five percent (25%) flexibility is allowed between expense and equipment and program disbursements

Personal Service.....	\$346,679
Expense and Equipment.....	1,013,803
For Program Disbursements	<u>3,400,000</u>
From Children's Trust Fund (0694)	4,760,482

From Office of Administration Federal Stimulus 2021 Fund (2445).....	2,063,073
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For contracts with community-based programs designed to prevent child sexual abuse, to be competitively awarded in accordance with Section 210.172, RSMo

From General Revenue Fund (0101)	500,000
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For the purposes of expenditures to improve facilities and infrastructure

From Budget Stabilization Fund (0522) (one-time)	12,000,000
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For the purpose of funding Regional Collective Impact Hubs, provided that each site will coordinate home visiting providers in their catchment area, establish a referral system, provide quality improvement and training, and further provided that all high-risk families are served

From General Revenue Fund (0101)	1,000,000
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For a grant to a non-profit organization with a statewide service area and mission that encompasses supporting families' access to quality childcare and early education. Such funds shall be used for community analysis and planning in conjunction with local stakeholders to develop a plan to improve access to quality childcare and early education. At least four communities will be identified for planning and analysis, two of which shall have populations below 40,000

From General Revenue Fund (0101)	900,000
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For the purpose of evidence based home visitation programs

From General Revenue Fund (0101)	<u>2,000,000</u>
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Total (Not to exceed 6.00 F.T.E.).....	\$23,223,555
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*I hereby veto \$2,000,000 general revenue for Children's Trust Fund evidence-based home visitation programs. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we

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will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this budget includes more than \$41.4 million for home visitation programs.

For the purpose of evidence based-home visitation programs.

From \$2,000,000 to \$0 from General Revenue Fund.

From \$23,223,555 to \$21,223,555 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.175. – To the Office of Administration

For funding the Governor's Council on Disability, provided three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$222,766
Expense and Equipment.....	26,065
From General Revenue Fund (0101) (Not to exceed 4.00 F.T.E.)	\$248,831

SECTION 5.180. – To the Office of Administration

For those services provided through the Office of Administration that are contracted with and reimbursed by the Board of Trustees of the Missouri Public Entity Risk Management Fund as provided by Chapter 537, RSMo

Personal Service.....	\$884,679
Expense and Equipment.....	10,500
From Office of Administration Revolving Administrative Trust Fund (0505) (Not to exceed 14.00 F.T.E.).....	\$895,179

SECTION 5.185. – To the Office of Administration

For the Missouri Ethics Commission, provided five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,481,472
Expense and Equipment.....	296,314
From General Revenue Fund (0101) (Not to exceed 24.00 F.T.E.)	\$1,777,786

SECTION 5.190. – To the Office of Administration

For the Division of Accounting

For payment of rent by the state for state agencies occupying Board of Public Buildings revenue bond financed buildings. Funds are to be used for principal, interest, bond issuance costs, and reserve fund requirements of Board of Public Buildings bonds

From General Revenue Fund (0101)	\$60,462,582
From Facilities Maintenance Reserve Fund (0124).....	12,547,894
From State Parks Earnings Fund (0415).....	3,806,360
Total.....	\$76,816,836

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SECTION 5.195. – To the Office of Administration

For the Division of Accounting

For annual fees, arbitrage rebate, refunding, defeasance, and related expenses of

House Bill 5 debt

From General Revenue Fund (0101) \$30,654

SECTION 5.200. – To the Office of Administration

For the Division of Accounting

For payment of the state's lease/purchase debt requirements

From State Facility Maintenance and Operation Fund (0501).....\$2,407,157

SECTION 5.205. – To the Office of Administration

For the Division of Accounting

For debt service and all related expenses associated with the State Historical

Society Project bonds issued through the Missouri Development Finance

Board

From General Revenue Fund (0101) \$2,302,944

SECTION 5.210. – To the Office of Administration

For transferring funds to the Fulton State Hospital Bond Fund for debt payments

on bonds issued by the Missouri Development Finance Board pursuant to a

finance agreement between the Missouri Development Finance Board,

Office of Administration, and Department of Mental Health for a project to

replace Fulton State Hospital, not to exceed \$220 million in total bonding

principal and for related expenses

From General Revenue Fund (0101) \$8,709,744

SECTION 5.215. – To the Office of Administration

For the Division of Accounting

For debt service related to the Fulton State Hospital bonds

From Fulton State Hospital Bond and Interest Fund (0396).....\$8,712,141

SECTION 5.220. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For debt service related to guaranteed energy cost savings contracts

From Facilities Maintenance Reserve Fund (0124)..... \$152,200

SECTION 5.225. – To the Office of Administration

For the Division of Accounting

For Debt Management

Expense and Equipment

From General Revenue Fund (0101) \$83,300

SECTION 5.230. – To the Office of Administration

For the Division of Accounting

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For the Bartle Hall Convention Center expansion, operations, development, or maintenance in Kansas City pursuant to Sections 67.638 through 67.641, RSMo
 From General Revenue Fund (0101)\$2,000,000

SECTION 5.235. – To the Office of Administration

For the Division of Accounting
 For the maintenance of the Jackson County Sports Complex pursuant to Sections 67.638 through 67.641, RSMo
 From General Revenue Fund (0101)\$3,000,000

SECTION 5.236. – To the Office of Administration

For capital improvements to support the largest and most prestigious single-sport event host city to a non-profit performing arts center that delivers accessible live entertainment for all audiences, superior theatre arts education, impactful outreach programs and events that utilize the venue, and helps sustain community engagement programming that impacts nearly twenty-five thousand locals each year and to a private non-profit organization that connects all people to each other and the natural world to promote understanding, appreciation and conservation, located in any city with more than four hundred thousand inhabitants and located in more than one county, provided that appropriations shall be matched on a 50/50 basis by the recipient
 From General Revenue Fund (0101) (one-time)\$2,000,000
 For stadium and ground modifications, transportation, marketing, and additional event support to support the largest and most prestigious single-sport event host city to Jackson County Sports Authority
 From General Revenue Fund (0101) (one-time) 50,000,000
 Total.....\$52,000,000

SECTION 5.240. – To the Office of Administration

For the Division of Accounting
 For debt service and maintenance on the Edward Jones Dome project in St. Louis
 From General Revenue Fund (0101)\$2,000,000

SECTION 5.241. – To the Office of Administration

Funds are to be transferred out of the State Treasury to the OA I-70 Project Fund
 From General Revenue Fund (0101) (one-time)\$1,400,000,000

SECTION 5.242. – To the Office of Administration

Funds are to be transferred out of the State Treasury to the State Road Fund I-70 Project Fund in pursuant to a financing agreement between the Commission and the Office of Administration
 From OA I-70 Project Fund (0334)\$1,400,000,000

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 Matter in bold-face type is proposed language.

SECTION 5.243. – To the Office of Administration

For a non-profit organization located in any county with more than seventy thousand but fewer than eighty thousand inhabitants with a mission to support training and technical assistance, in its efforts to make communities a safer, more enjoyable place to live, to work, and to raise a family

From General Revenue Fund (0101)\$2,500,000

SECTION 5.245. – To the Office of Administration

For the Division of Accounting

For interest payments on federal grant monies in accordance with the Cash Management Improvement Act of 1990 and 1992, and any other interest or penalties due to the federal government

From General Revenue Fund (0101)\$2,400,000

From Office of Administration - Federal Fund (0135)..... 20,000

From Federal Surplus Property Fund (0407) 20,000

Total.....\$2,440,000

SECTION 5.250. – To the Office of Administration

Funds are to be transferred out of the State Treasury, chargeable to the Budget Reserve Fund and other funds, such amounts as may be necessary for cash-flow assistance to various funds, provided, however, that funds other than the Budget Reserve Fund will not be used without prior notification to the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee. Cash-flow assistance from funds other than the Budget Reserve Fund shall only be transferred from May 15 to June 30 in any fiscal year, and an amount equal to the transfer received, plus interest, shall be transferred back to the appropriate Other Funds prior to June 30 of the fiscal year in which the transfer was made

From Budget Reserve Fund and Other Funds to General Revenue Fund

(Various).....\$550,000,000

From Budget Reserve Fund and Other Funds to Other Funds (Various) 100,000,000

Total.....\$650,000,000

SECTION 5.255. – To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for repayment of cash-flow assistance to the Budget Reserve Fund and Other Funds, provided, however, that the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee shall be notified when repayment to funds, other than the Budget Reserve Fund, has been made

From General Revenue Fund (0101)\$550,000,000

From Other Funds (Various) 100,000,000

Total.....\$650,000,000

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Matter in bold-face type is proposed language.

SECTION 5.260. – To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for interest payments on cash-flow assistance, to the Budget Reserve Fund and Other Funds

From General Revenue Fund (0101)	\$5,500,000
From Other Funds (Various)	<u>500,000</u>
Total.....	\$6,000,000

SECTION 5.265. – To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for constitutional requirements of the Budget Reserve Fund, provided twenty-five percent (25%) flexibility is allowed from Sections 5.450, 5.465, and 5.515 to this section

From General Revenue Fund (0101)	\$7,000,000
From Budget Reserve Fund (0100).....	<u>24,858,625</u>
Total.....	\$31,858,625

SECTION 5.275. – To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for corrections to fund balances

From General Revenue Fund (0101)	\$50,000
From Federal and Other Funds (Various).....	<u>750,000</u>
Total.....	\$800,000

SECTION 5.280. – To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as are necessary for allocation of costs to other funds in support of the state's central services performed by the Office of Administration, the Department of Revenue, the Capitol Police, the Elected Officials, and the General Assembly, to the General Revenue Fund

From Other Funds (Various)	\$9,923,817
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SECTION 5.285. – To the Office of Administration

For funding statewide membership dues

From General Revenue Fund (0101)	\$222,000
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SECTION 5.290. – To the Office of Administration

For the Division of Accounting

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri in accordance with the provisions of state law, provided twenty-five percent (25%) flexibility is allowed between Sections 5.290 and 5.295

From Office of Administration - Federal Fund (0135).....	\$1,800,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 5.295. – To the Office of Administration

For the Division of Accounting

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri, provided twenty-five percent (25%) flexibility is allowed between Sections 5.290 and 5.295

From Office of Administration - Federal Fund (0135).....\$6,500,000

SECTION 5.300. – To the Office of Administration

For the Division of Accounting

For payments to counties for county correctional prosecution reimbursements pursuant to Sections 50.850 and 50.853, RSMo

From General Revenue Fund (0101) \$30,000

SECTION 5.305. – To the Office of Administration

For distribution of state grants to regional planning commissions and local governments as provided by Chapter 251, RSMo

From General Revenue Fund (0101) \$560,000

SECTION 5.450. – To the Office of Administration

For transferring funds for state employees and participating political subdivisions to the OASDHI Contributions Fund, provided five percent (5%) flexibility is allowed between federal and other funds within this section, and further provided twenty-five percent (25%) flexibility is allowed from this section to Section 5.265

From General Revenue Fund (0101)\$104,427,372

From Federal Funds (Various)45,257,122

From Other Funds (Various) 62,798,689

Total.....\$212,483,183

SECTION 5.455. – To the Office of Administration

For the Department of Public Safety

For transferring funds for employees of the State Highway Patrol to the OASDHI Contributions Fund, said transfers to be administered by the Office of Administration

From State Highways and Transportation Department Fund (0644).....\$11,951,231

SECTION 5.460. – To the Office of Administration

For the Division of Accounting

For the payment of OASDHI taxes for all state employees and for participating political subdivisions within the state to the Treasurer of the United States for compliance with current provisions of Title 2 of the Federal Social Security Act, as amended, in accordance with the agreement between the State Social Security Administrator and the Secretary of the Department of Health and Human Services, and for administration of the agreement under

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Section 218 of the Social Security Act which extends Social Security benefits to state and local public employees
 From OASDHI Contributions Fund (0702)\$224,434,414

SECTION 5.465. – To the Office of Administration

For transferring funds for the state's contribution to the Missouri State Employees' Retirement System to the State Retirement Contributions Fund, provided five percent (5%) flexibility is allowed between federal and other funds within this section, and further provided twenty-five percent (25%) flexibility is allowed from this section to Section 5.265
 From General Revenue Fund (0101)\$396,137,127
 From Federal Funds (Various) 147,863,703
 From Other Funds (Various) 174,215,173
 Total.....\$718,216,003

SECTION 5.470. – To the Office of Administration

For the Division of Accounting
 For payment of the state's contribution to the Missouri State Employees' Retirement System, provided that no more than \$15,648,036 shall be expended on administration of the system, excluding investment expenses
 From State Retirement Contributions Fund (0701)\$718,216,003

SECTION 5.475. – To the Office of Administration

For the Division of Accounting
 Fund are to be transferred out of the State Treasury to the General Revenue Fund
 From State Retirement Contributions Fund (0701)\$367,966,000

SECTION 5.480. – To the Office of Administration

For the Division of Accounting
 For payment of the state's contribution to the Missouri State Employees' Retirement System, for accelerated payments to the state contribution
 From General Revenue Fund (0101)\$367,966,000

SECTION 5.485. – To the Office of Administration

For the Division of Accounting
 For payment of retirement benefits to the Public School Retirement System pursuant to Section 104.342, RSMo
 From General Revenue Fund (0101) \$60,000

SECTION 5.490. – To the Office of Administration

For the Division of Accounting
 For transferring funds for state employees who are qualified participants in the state Deferred Compensation Plan in accordance with Section 105.927, RSMo, who contribute at least \$25 per month, and pursuant to Section 401(a) of the Internal Revenue Code to the Missouri State Employees' Deferred Compensation Incentive Plan Administration Fund

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

From General Revenue Fund (0101)	\$15,678,528
From Federal Funds (Various)	6,316,575
From Other Funds (Various)	<u>12,531,888</u>
Total	\$34,526,991

SECTION 5.495. – To the Office of Administration

For the Division of Accounting

For transferring funds for the state's contribution to the Missouri State Employees' Deferred Compensation Incentive Plan Administration Fund for employees of the State Highway Patrol, said transfers to be administered by the Office of Administration

From State Highways and Transportation Department Fund (0644)	\$273,009
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SECTION 5.500. – To the Office of Administration

For the Division of Accounting

For the payment of funds credited by the state at a maximum rate of \$75 per month per qualified participant in accordance with Section 105.927, RSMo, who contribute at least \$25 per month, to deferred compensation investment companies

From Missouri State Employees' Deferred Compensation Incentive Plan Administration Fund (0706)	\$34,800,000
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SECTION 5.505. – To the Office of Administration

For the Division of Accounting

For reimbursing the Division of Employment Security benefit account for claims paid to former state employees for unemployment insurance coverage and for related professional services, provided five percent (5%) flexibility is allowed between federal and other funds within this section

From General Revenue Fund (0101)	\$2,430,053
From Federal Funds (Various)	784,000
From Other Funds (Various)	<u>1,616,000</u>
Total	\$4,830,053

SECTION 5.510. – To the Office of Administration

For the Division of Accounting

For reimbursing the Division of Employment Security benefit account for claims paid to former state employees of the Department of Public Safety for unemployment insurance coverage and for related professional services

From State Highways and Transportation Department Fund (0644)	\$100,000
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SECTION 5.515. – To the Office of Administration

For transferring funds for the state's contribution to the Missouri Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund, provided five percent (5%) flexibility is allowed between federal and other funds within this section, and further provided twenty-five (25%) flexibility is allowed from this section to Section 5.265

From General Revenue Fund (0101)	\$295,495,926
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Federal Funds (Various)	118,801,082
From Other Funds (Various)	<u>71,022,464</u>
Total.....	\$485,319,472

SECTION 5.520. – To the Office of Administration

For the Division of Accounting

For payment of the state's contribution to the Missouri Consolidated Health Care Plan, provided that no more than \$9,807,614 shall be expended on administration of the plan, excluding third-party administrator fees

From Missouri Consolidated Health Care Plan Benefit Fund (0765)\$485,319,472

SECTION 5.525. – To the Office of Administration

For the Division of Accounting

For paying refunds for overpayment or erroneous payment of employee withholding taxes

From General Revenue Fund (0101) \$60,000

SECTION 5.530. – To the Office of Administration

For the Division of Accounting

For providing voluntary life insurance

From Missouri State Employees' Voluntary Life Insurance Fund (0910).....\$3,900,000

SECTION 5.535. – To the Office of Administration

For the Division of Accounting

For employee medical expense reimbursements reserve

From General Revenue Fund (0101)\$1

SECTION 5.540. – To the Office of Administration

For the Division of Accounting

Personal Service for state payroll contingency

From General Revenue Fund (0101) \$36,000

SECTION 5.545. – To the Office of Administration

For the Division of General Services

For the provision of workers' compensation benefits to state employees through either a self-insurance program administered by the Office of Administration and/or by contractual agreement with a private carrier and for administrative and legal expenses authorized, in part, by Section 105.810, RSMo

From General Revenue Fund (0101)\$37,747,773

From Conservation Commission Fund (0609) 1,200,000

Total.....\$38,947,773

SECTION 5.550. – To the Office of Administration

Funds are to be transferred out of the State Treasury, chargeable to various funds, amounts paid from the General Revenue Fund for workers' compensation benefits provided to employees paid from these other funds,

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to the General Revenue Fund, provided five percent (5%) flexibility is allowed between federal and other funds within this section

From Federal Funds (Various)	\$5,016,792
From Other Funds (Various)	3,949,150
Total	\$8,965,942

SECTION 5.555. – To the Office of Administration

For the Division of General Services

For workers' compensation tax payments pursuant to Section 287.690, RSMo

From General Revenue Fund (0101)	\$2,375,000
From Conservation Commission Fund (0609)	125,000
Total	\$2,500,000

PART 2

SECTION 5.600. – To the Office of Administration

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

SECTION 5.610. – To the Office of Administration

In reference to all sections in Part 1 of this act:

A contract entered into by a state agency or department for the licensing of software applications designed to run on generally available desktop or server hardware may not limit the ability of the agency or department to install or run the software on the hardware of the agency or departments choosing.

Office of Administration Totals

General Revenue Fund	\$1,785,367,535
Federal Funds	126,407,499
Other Funds	160,173,794
Total	\$2,071,948,828

Employee Benefits Totals

General Revenue Fund	\$854,387,780
Federal Funds	319,022,482
Other Funds	339,733,454
Total	\$1,513,143,716

Approved June 30, 2023

CCS SCS HCS HB 6

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Agriculture, the Department of Natural Resources, and the Department of Conservation

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

PART 1

SECTION 6.000. – Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an appropriation identified as “one-time” in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

SECTION 6.005. – To the Department of Agriculture
For the Office of the Director, provided that three percent (3%) flexibility is allowed from this section to Section 6.135

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From General Revenue Fund (0101)	\$50,000
For the Office of the Director, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	259,360
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,857
Expense and Equipment.....	<u>1,186,287</u>
From Department of Agriculture Federal Fund (0133)	1,447,504
Expense and Equipment	
From Department of Agriculture Federal Stimulus Fund (2395).....	200,000
Personal Service.....	766,164
Annual salary adjustment in accordance with Section 105.005, RSMo.....	8,977
Expense and Equipment.....	<u>122,858</u>
From Agriculture Protection Fund (0970).....	897,999
Personal Service.....	29,564
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,095
Expense and Equipment.....	<u>2,721</u>
From Animal Care Reserve Fund (0295).....	33,380
Personal Service.....	29,835
Annual salary adjustment in accordance with Section 105.005, RSMo.....	305
Expense and Equipment.....	<u>2,727</u>
From Animal Health Laboratory Fee Fund (0292).....	32,867
Personal Service.....	87,519
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,133
Expense and Equipment.....	<u>5,964</u>
From Grain Inspection Fee Fund (0647)	94,616
Personal Service.....	23,121
Annual salary adjustment in accordance with Section 105.005, RSMo.....	218
Expense and Equipment.....	<u>1,714</u>
From Missouri Land Survey Fund (0668).....	25,053
Personal Service.....	49,578
Annual salary adjustment in accordance with Section 105.005, RSMo.....	176
Expense and Equipment.....	<u>3,451</u>
From Missouri Wine and Grape Fund (0787).....	53,205
Personal Service.....	99,868
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,046
Expense and Equipment.....	<u>7,195</u>
From Petroleum Inspection Fund (0662).....	108,109

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Personal Service.....	106,036
Annual salary adjustment in accordance with Section 105.005, RSMo.....	3,870
Expense and Equipment.....	7,380
From State Fair Fee Fund (0410)	117,286

For the Missouri Food and Beverage Task Force

Expense and Equipment	
From General Revenue Fund (0101)	3,000,000

For refunds of erroneous receipts due to errors in application for licenses,
registrations, permits, certificates, subscriptions, or other fees

From Agriculture Protection Fund (0970).....	13,500
Total (Not to exceed 21.10 F.T.E.)	\$6,073,519

SECTION 6.010. – To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Veterinary

Student Loan Payment Fund

From Lottery Proceeds Fund (0291).....	\$240,000
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SECTION 6.015. – To the Department of Agriculture

For large animal veterinary student loans in accordance with the provisions of

Sections 340.375 to 340.396, RSMo

From Veterinary Student Loan Payment Fund (0803).....	\$300,000
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SECTION 6.020. – To the Department of Agriculture

For the Agriculture Business Development Division, provided that three percent

(3%) flexibility is allowed from this section to Section 6.135

Personal Service.....	\$56,160
Expense and Equipment.....	31,500
From General Revenue Fund (0101)	87,660

For the Agriculture Business Development Division, provided that twenty-five
percent (25%) flexibility is allowed between funds and no flexibility is
allowed between personal service and expense and equipment

Personal Service.....	76,216
Expense and Equipment.....	423,886
From Department of Agriculture Federal Fund (0133)	500,102

Personal Service.....	4,957
Expense and Equipment.....	76,735
From Agriculture Business Development Fund (0683)	81,692

Personal Service.....	17,546
Expense and Equipment.....	275,638
From AgriMissouri Fund (0897).....	293,184

Personal Service.....	1,504,890
Expense and Equipment.....	429,505
From Agriculture Protection Fund (0970).....	1,934,395

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Matter in bold-face type is proposed language.

For the Governor's Conference on Agriculture From Agriculture Business Development Fund (0683)	75,000
For urban and non-traditional agriculture From Agriculture Protection Fund (0970).....	25,000
For competitive grants to innovative projects that promote agriculture in urban/suburban communities From Agriculture Protection Fund (0970).....	50,000
For supporting farmers' markets and other economic development initiatives that work to reduce food insecurity in areas which have been designated an urbanized area by the United States Census Bureau From General Revenue Fund (0101)	500,000
For applying for a grant under the United States Department of Agriculture's Senior farmers' market nutrition program, and applying for a grant and submitting a state plan under that United States department's Women, Infants and Children farmers' market nutrition program, for the purpose of providing low-income seniors and pregnant and postpartum women, infants, and children under five years of age who are found to be at nutritional risk with vouchers or other approved and acceptable methods of payment including, but not limited to, electronic cards that may be used to purchase eligible foods at farmers' markets Personal Service.....	48,012
Expense and Equipment.....	59,402
From General Revenue Fund (0101)	107,414
Expense and Equipment From Department of Agriculture Federal Fund (0133)	235,070
For the Abattoir Program From General Revenue Fund (0101)	1
For an urban agricultural educational development program located in any city with more than four hundred thousand inhabitants and located in more than one county that develops solutions to address urban agriculture challenges and provides training for emerging farmers From General Revenue Fund (0101) (one-time)	250,000
For a youth agricultural entrepreneurship program located in any city with more than four hundred thousand inhabitants and located in more than one county From General Revenue Fund (0101) (one-time)	250,000
Total (Not to exceed 28.51 F.T.E.)	\$4,389,518

***SECTION 6.021.** – To the Department of Agriculture

For a grant to a nonprofit commodity-based agricultural organization, other than
a public university, for the purposes of advancing agronomic and soybean
breeding research at a nonprofit-owned research farm, where ongoing

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Matter in bold-face type is proposed language.

agronomic and breeding research is conducted by the University of Missouri-Columbia in a partnership with the nonprofit agricultural organization, and on-farm field days are available, for free, to the public to learn about the benefits of modern technology, conservation and general agronomic farming practices

From General Revenue Fund (0101) (one-time)\$2,000,000

*I hereby veto \$2,000,000 general revenue for a grant program for an agronomic research farm facility. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, most agriculture commodity groups utilize their check-off dollars to fund research initiatives. Those or other funds should be pursued instead of state tax dollars for this project.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from General Revenue Fund.
From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.022. – To the Department of Agriculture

For the planning, design and construction of a meat laboratory facility that will be used for training, education, technical support, and research on a land grant university located in any city with more than one hundred twenty-five thousand but fewer than one hundred sixty thousand inhabitants

From General Revenue Fund (0101) (one-time)\$25,000,000

SECTION 6.025. – To the Department of Agriculture

For the Agriculture Business Development Division
For the Missouri Grown Program

Personal Service.....\$45,588
Expense and Equipment.....218,782

From Agriculture Protection Fund (0970) (Not to exceed 0.97 F.T.E.).....\$264,370

***SECTION 6.026.** – To the Department of Agriculture

For a nonprofit corporation whose principal place of business or corporate headquarters is located in a county with more than fifteen thousand seven hundred but fewer than seventeen thousand six hundred inhabitants and with a county seat with more than three thousand six hundred but fewer than four thousand two hundred ten inhabitants, and supplies Missouri citizens with advanced leadership experiences by providing a two year adult leadership training program targeted toward rural leaders and agricultural producers

From General Revenue Fund (0101) (one-time)\$2,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$2,000,000 general revenue for an adult agricultural leadership program. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from General Revenue Fund.
From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.030. – To the Department of Agriculture

For the Agriculture Business Development Division

For the Wine and Grape Program, provided that five percent (5%) flexibility is
allowed between personal service and expense and equipment

Personal Service..... \$328,670

Expense and Equipment..... 1,599,321

From Missouri Wine and Grape Fund (0787) (Not to exceed 5.00 F.T.E.)..... \$1,927,991

SECTION 6.035. – To the Department of Agriculture

For the Agriculture Business Development Division

For the Agriculture and Small Business Development Authority, provided that
twenty-five percent (25%) flexibility is allowed between funds and no
flexibility is allowed between personal service and expense and equipment

Personal Service..... \$144,790

Expense and Equipment..... 9,264

From Single-Purpose Animal Facilities Loan Program Fund (0408) 154,054

Personal Service..... 13,946

Expense and Equipment..... 2,000

From Livestock Feed and Crop Input Loan Program Fund (0978)..... 15,946

Expense and Equipment

From Agricultural Product Utilization Grant Fund (0413) 100

For an agricultural education program administered by a nonprofit organization
dedicated to cultivating the next generation of leaders for the agriculture
industry

From General Revenue Fund (0101) (one-time) 1,000,000

For the development of a beef registry and database platform administered by a
nonprofit organization located in any city with more than seventy-one
thousand but fewer than seventy-nine thousand inhabitants that focuses on
the technology use in the beef industry

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From General Revenue Fund (0101) (one-time)	1,000,000
Total (Not to exceed 3.20 F.T.E.).....	\$2,170,100

SECTION 6.040. – To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Single-Purpose Animal Facilities Loan Guarantee Fund, provided that one hundred percent (100%) flexibility is allowed between Sections 6.040, 6.050, and 6.060, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135

From General Revenue Fund (0101)	\$5,000
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SECTION 6.045. – To the Department of Agriculture

For loan guarantees as provided in Sections 348.190 and 348.200, RSMo

From Single-Purpose Animal Facilities Loan Guarantee Fund (0409).....	\$201,046
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SECTION 6.050. – To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Agricultural Product Utilization and Business Development Loan Guarantee Fund, provided that one hundred percent (100%) flexibility is allowed between Sections 6.040, 6.050, and 6.060, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135

From General Revenue Fund (0101)	\$15,000
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SECTION 6.055. – To the Department of Agriculture

For loan guarantees as provided in Sections 348.403, 348.408, and 348.409, RSMo

From Agricultural Product Utilization and Business Development Loan Guarantee Fund (0411).....	\$624,501
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SECTION 6.060. – To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Livestock Feed and Crop Input Loan Guarantee Fund, provided that one hundred percent (100%) flexibility is allowed between Sections 6.040, 6.050, and 6.060, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135

From General Revenue Fund (0101)	\$5,000
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SECTION 6.065. – To the Department of Agriculture

For loan guarantees for loans administered by the Missouri Agricultural and Small Business Development Authority for the purpose of financing the purchase of livestock feed used to produce livestock and input used to produce crops for the feeding of livestock, provided that the appropriation may not exceed \$2,000,000

From Livestock Feed and Crop Input Loan Guarantee Fund (0914).....	\$50,000
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SECTION 6.070. – To the Department of Agriculture

For the Agriculture Business Development Division

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Agriculture Development Program	
Personal Service.....	\$94,746
Expense and Equipment.....	41,744
From Agriculture Development Fund (0904)	136,490

For all monies in the Agriculture Development Fund for investments, reinvestments, and for emergency agricultural relief and rehabilitation as provided by law	
From Agriculture Development Fund (0904)	100,000
Total (Not to exceed 1.60 F.T.E.).....	\$236,490

SECTION 6.075. – To the Department of Agriculture

For the Missouri Dairy Industry Revitalization Act	
From Missouri Dairy Industry Revitalization Fund (0414)	\$25,000

For the Missouri Dairy Industry Revitalization Act, to produce an updated study under Section 261.290, directly in partnership with a nonprofit organization whose mission is to be a positive, unifying voice for Missouri dairy farmers	
From General Revenue Fund (0101) (one-time)	250,000
Total.....	\$275,000

SECTION 6.080. – To the Department of Agriculture

For the Division of Animal Health, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135	
Personal Service.....	\$3,662,479
Expense and Equipment (including \$29,700 one-time).....	1,008,646
From General Revenue Fund (0101)	4,671,125

For the Division of Animal Health, provided that twenty-five percent (25%) flexibility is allowed between funds and five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	1,446,615
Expense and Equipment (including \$905,845 one-time)	1,603,859
From Department of Agriculture Federal Fund (0133)	3,050,474

Personal Service.....	131,583
Expense and Equipment.....	967,050
From Animal Health Laboratory Fee Fund (0292).....	1,098,633

Personal Service.....	569,780
Expense and Equipment.....	185,976
From Animal Care Reserve Fund (0295)	755,756

Personal Service	
From Livestock Brands Fund (0299).....	137

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From Agriculture Protection Fund (0970).....	2,462
Expense and Equipment	
From Puppy Protection Trust Fund (0985)	5,000
Expense and Equipment	
From Large Carnivore Fund (0988).....	10,000
To support local efforts to spay and neuter cats and dogs	
From Missouri Pet Spay/Neuter Fund (0747).....	50,000
To support the Livestock Brands Program	
From Livestock Brands Fund (0299).....	30,698
For expenses incurred in regulating Missouri livestock markets	
From Livestock Sales and Markets Fees Fund (0581)	30,690
For processing livestock market bankruptcy claims	
From Agriculture Bond Trustee Fund (0756)	129,000
For contributions, gifts, and grants in support of relief efforts to reduce the suffering of abandoned animals	
From State Institutions Gift Trust Fund (0925).....	5,000
For black vulture mitigation	
From General Revenue Fund (0101)	1,660,000
Total (Not to exceed 91.47 F.T.E.)	\$11,498,975

SECTION 6.081. – To the Department of Agriculture

For the planning, design, construction, and renovation of a Veterinary Medical Diagnostic Laboratory on a land grant university located in any city with more than one hundred twenty-five thousand but fewer than one hundred sixty thousand inhabitants, provided that such building shall be named in honor of Doctor Dan Brown	
From General Revenue Fund (0101) (one-time)	\$43,000,000

SECTION 6.085. – To the Department of Agriculture

For the Division of Animal Health	
For indemnity payments and for indemnifying producers and owners of livestock and poultry for preventing the spread of disease during emergencies declared by the State Veterinarian, subject to the approval by the Department of Agriculture, of a state match rate up to fifty percent (50%), provided that three percent (3%) flexibility is allowed from this section to Section 6.135	
From General Revenue Fund (0101)	\$10,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.090. – To the Department of Agriculture

For the Division of Grain Inspection and Warehousing, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135

Personal Service.....	\$828,552
Expense and Equipment.....	<u>86,033</u>
From General Revenue Fund (0101)	914,585

For the Division of Grain Inspection and Warehousing, provided that twenty-five percent (25%) flexibility is allowed between funds, and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	44,238
Expense and Equipment.....	<u>36,211</u>
From Department of Agriculture Federal Fund (0133)	80,449

Personal Service.....	78,894
Expense and Equipment.....	<u>31,651</u>
From Commodity Council Merchandising Fund (0406)	110,545

Personal Service.....	3,024,098
Expense and Equipment (including \$120,000 one-time)	<u>753,676</u>
From Grain Inspection Fee Fund (0647)	3,777,774

Expense and Equipment	
From Agriculture Protection Fund (0970).....	<u>85,000</u>
Total (Not to exceed 93.00 F.T.E.)	\$4,968,353

SECTION 6.095. – To the Department of Agriculture

For the Division of Grain Inspection and Warehousing

For the Missouri Agriculture Council

From Aquaculture Marketing Development Fund (0573)	\$7,000
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For research, promotion, and market development of apples

From Apple Merchandising Fund (0615).....	7,000
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For the Missouri Wine Marketing and Research Council

From Missouri Wine Marketing and Research Development Fund (0855)	<u>60,000</u>
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Total.....	\$74,000
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SECTION 6.100. – To the Department of Agriculture

For the Division of Plant Industries, provided that twenty-five percent (25%)

flexibility is allowed between funds in this section and five percent (5%)

flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,277,313
Expense and Equipment.....	<u>1,280,789</u>
From Department of Agriculture Federal Fund (0133)	2,558,102

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	2,765,003
Expense and Equipment (including \$207,000 one-time)	<u>1,250,728</u>
From Agriculture Protection Fund (0970).....	4,015,731

For the Invasive Pest Control Program, provided that fifty percent (50%) flexibility is allowed between funds in this section and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	38,684
Expense and Equipment.....	<u>71,388</u>
From Department of Agriculture Federal Fund (0133)	110,072

Personal Service.....	165,376
Expense and Equipment.....	<u>58,000</u>
From Agriculture Protection Fund (0970).....	223,376

For the Boll Weevil Eradication Program, provided that no flexibility is allowed between personal service and expense and equipment

Personal Service.....	51,846
Expense and Equipment.....	<u>24,657</u>
From Boll Weevil Suppression and Eradication Fund (0823).....	<u>76,503</u>
Total (Not to exceed 76.81 F.T.E.)	\$6,983,784

SECTION 6.105. – To the Department of Agriculture

For the Division of Weights, Measures and Consumer Protection, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135

Personal Service.....	\$617,354
Expense and Equipment (including \$52,394 one-time).....	<u>698,491</u>
From General Revenue Fund (0101)	1,315,845

For the Division of Weights, Measures and Consumer Protection, provided that twenty-five percent (25%) flexibility is allowed between funds, and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	46,977
Expense and Equipment.....	<u>50,000</u>
From Department of Agriculture Federal Fund (0133)	96,977

Personal Service.....	653,084
Expense and Equipment.....	<u>280,304</u>
From Agriculture Protection Fund (0970).....	933,388

Personal Service.....	2,001,001
Expense and Equipment (including \$210,300 one-time)	<u>1,268,117</u>
From Petroleum Inspection Fund (0662).....	<u>3,269,118</u>
Total (Not to exceed 69.11 F.T.E.)	\$5,615,328

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.110. – To the Department of Agriculture

For the Missouri Land Survey Program, provided that twenty-five percent (25%)

flexibility is allowed between funds and no flexibility is allowed between
personal service and expense and equipment

Personal Service.....	\$892,753
Expense and Equipment.....	<u>206,830</u>
From Missouri Land Survey Fund (0668).....	1,099,583

Personal Service.....	223,455
Expense and Equipment.....	<u>80,000</u>

From Department of Agriculture Land Survey Revolving Services

Fund (0426).....	303,455
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For surveying corners and for records restorations, provided that fifty percent

(50%) flexibility is allowed between funds

Expense and Equipment

From Department of Agriculture Federal Fund (0133)	60,000
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From Missouri Land Survey Fund (0668).....	<u>90,000</u>
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Total (Not to exceed 14.68 F.T.E.)	\$1,553,038
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SECTION 6.115. – To the Department of Agriculture

For the Missouri State Fair, provided that twenty-five percent (25%) flexibility

is allowed between funds, and five percent (5%) flexibility is allowed

between personal service and expense and equipment

Personal Service

From General Revenue Fund (0101)	\$684,186
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Personal Service.....	1,489,043
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Expense and Equipment.....	<u>3,274,898</u>
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From State Fair Fee Fund (0410)	4,763,941
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Personal Service

From Agriculture Protection Fund (0970).....	<u>666,941</u>
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Total (Not to exceed 61.38 F.T.E.)	\$6,115,068
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SECTION 6.120. – To the Department of Agriculture

For cash to start the Missouri State Fair

Expense and Equipment

From State Fair Fee Fund (0410)	\$74,250
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From State Fair Trust Fund (0951)	<u>9,900</u>
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Total.....	\$84,150
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SECTION 6.125. – To the Department of Agriculture

For the Missouri State Fair

For equipment replacement

Expense and Equipment

From General Revenue Fund (0101)	\$250,000
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From State Fair Fee Fund (0410)	<u>165,962</u>
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Total.....	\$415,962
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.130. – To the Department of Agriculture

For the State Milk Board, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135

Personal Service.....	\$129,510
Expense and Equipment.....	<u>852</u>
From General Revenue Fund (0101)	130,362

For the State Milk Board, provided that fifty percent (50%) flexibility is allowed between the State Milk Board and Milk Board Local Health, and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	774,179
Expense and Equipment.....	<u>764,871</u>
From State Milk Inspection Fee Fund (0645)	<u>1,539,050</u>
Total (Not to exceed 9.93 F.T.E.).....	\$1,669,412

SECTION 6.135. – To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo

From General Revenue Fund (0101)	\$1
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SECTION 6.200. – To the Department of Natural Resources

For department operations, administration, and support, provided that three percent (3%) flexibility is allowed from this section to Section 6.415

Personal Service.....	\$795,292
Annual salary adjustment in accordance with Section 105.005, RSMo.....	13,770
Expense and Equipment.....	<u>62,340</u>
From General Revenue Fund (0101)	871,402

For department operations, administration, and support, provided that five percent (5%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	553,427
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,257
Expense and Equipment.....	<u>106,434</u>
From Department of Natural Resources Federal Fund (0140)	661,118

Personal Service.....	3,260,470
Annual salary adjustment in accordance with Section 105.005, RSMo.....	6,825
Expense and Equipment.....	<u>507,850</u>
From DNR Cost Allocation Fund (0500).....	3,775,145

Personal Service	
From Department of Natural Resources Revolving Services Fund (0425)	52,468

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For Contractual Audits	
From State Park Earnings Fund (0415)	75,000
From Solid Waste Management Fund (0570).....	78,000
From Soil and Water Sales Tax Fund (0614).....	<u>150,000</u>
Total (Not to exceed 74.71 F.T.E.)	\$5,663,133

SECTION 6.225. – To the Department of Natural Resources

For the Division of Environmental Quality, provided that fifteen percent (15%) flexibility is allowed between programs and/or regional offices, and fifteen percent (15%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.415

Personal Service.....	\$8,006,489
Expense and Equipment (including \$9,291 one-time).....	<u>623,374</u>
From General Revenue Fund (0101)	8,629,863

For the Division of Environmental Quality, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	14,212,740
Expense and Equipment (including \$19,937 one-time).....	<u>3,763,237</u>
From Department of Natural Resources Federal Fund (0140)	17,975,977

Personal Service.....	1,330,766
Expense and Equipment.....	<u>112,037</u>
From DNR Cost Allocation Fund (0500).....	1,442,803

Personal Service.....	37,658
Expense and Equipment.....	<u>47,302</u>
From Environmental Radiation Monitoring Fund (0656).....	84,960

Personal Service.....	2,201,790
Expense and Equipment.....	<u>235,240</u>
From Hazardous Waste Fund (0676).....	2,437,030

Personal Service.....	1,189,816
Expense and Equipment.....	<u>86,035</u>
From Missouri Air Emission Reduction Fund (0267).....	1,275,851

Personal Service.....	129,510
Expense and Equipment.....	<u>37,836</u>
From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268)	167,346

Personal Service.....	330,397
Expense and Equipment.....	<u>49,983</u>
From Natural Resources Protection Fund (0555)	380,380

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Personal Service.....	305,742
Expense and Equipment.....	<u>38,716</u>
From Natural Resources Protection Fund - Air Pollution Asbestos	
Fee Subaccount (0584).....	344,458
Personal Service.....	3,798,075
Expense and Equipment.....	<u>576,680</u>
From Natural Resources Protection Fund - Air Pollution Permit	
Fee Subaccount (0594).....	4,374,755
Personal Service.....	4,813,426
Expense and Equipment.....	<u>897,289</u>
From Natural Resources Protection Fund- Water Pollution Permit	
Fee Subaccount (0568).....	5,710,715
Personal Service.....	2,509,653
Expense and Equipment.....	<u>961,524</u>
From Safe Drinking Water Fund (0679)	3,471,177
Personal Service.....	2,455,460
Expense and Equipment.....	<u>334,112</u>
From Solid Waste Management Fund (0570).....	2,789,572
Personal Service.....	564,575
Expense and Equipment.....	<u>57,249</u>
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....	621,824
Personal Service.....	334,506
Expense and Equipment.....	<u>27,002</u>
From Coal Combustion Residuals Subaccount (0551)	361,508
Personal Service.....	127,087
Expense and Equipment.....	<u>41,166</u>
From Underground Storage Tank Regulation Program Fund (0586)	168,253
Personal Service.....	1,044,516
Expense and Equipment.....	<u>90,908</u>
From Water and Wastewater Loan Fund (0649)	1,135,424
Total (Not to exceed 742.70 F.T.E.)	\$51,371,896

SECTION 6.230. – To the Department of Natural Resources

For environmental education and studies, demonstration projects, and technical assistance grants, provided that twenty-five percent (25%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140)	\$350,000
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568).....	<u>350,000</u>
Total.....	\$700,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.235. – To the Department of Natural Resources

For water infrastructure grants and loans, provided that \$220,939,825 be used solely to encumber funds for future fiscal year expenditures, and provided that twenty-five percent (25%) flexibility is allowed between funds

From General Revenue Fund (0101)	\$9,251,461
From Department of Natural Resources Federal Fund (0140)	15,945,000
From Water and Wastewater Loan Fund (0649)	374,634,356
From Water and Wastewater Loan Revolving Fund (0602).....	388,456,896
From Water Pollution Control (37E) Funds (0330).....	20,000
From Water Pollution Control (37G) Funds (0329)	10,000
From Storm water Control (37H) Funds (0302)	10,000
From Storm Water Loan Revolving Fund (0754)	2,423,141
From Rural Water and Sewer Loan Revolving Fund (0755).....	1,500,000
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568)	3,000,000
Total.....	\$795,250,854

***SECTION 6.237.** – To the Department of Natural Resources

For the planning, design, maintenance or construction of a flood wall located in any city not within a county, provided that local match be provided in order to be eligible for state funds

From General Revenue Fund (0101) (one-time)	\$10,000,000
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For a sewer district serving over 520 square miles and five major watersheds that protects the health, safety, and water environment by responsibly providing wastewater and stormwater management, for a project to address yard flooding, to construct sewer to replace the existing open ditch system

From General Revenue Fund (0101) (one-time)	151,000
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For distribution to any village with more than eight hundred fifty-five but fewer than nine hundred fifty-five inhabitants and located in a county with more than one million inhabitants, to address bank erosion, provided that any grant awards disbursed from this appropriation be matched on a 50/50 basis by the recipient

From General Revenue Fund (0101) (one-time)	565,525
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For water infrastructure improvements and projects for any city with more than eighteen thousand but fewer than twenty thousand inhabitants and located in a county with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants

From General Revenue Fund (0101) (one-time)	25,000,000
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For water infrastructure improvements and projects for any county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than twelve thousand six hundred but fewer than fifteen thousand inhabitants, provided that any grant awards disbursed from this appropriation be matched on a 75/25 basis by the recipient

From General Revenue Fund (0101) (one-time)	30,000,000
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For water infrastructure improvements and projects for any city with more than one thousand nine hundred but fewer than two thousand one hundred fifty inhabitants and located in any county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than twelve thousand six hundred but fewer than fifteen thousand inhabitants	
From General Revenue Fund (0101) (one-time)	75,000
For water infrastructure improvements and projects for any city with more than twelve thousand five hundred but fewer than fourteen thousand inhabitants and that is the county seat of a county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants	
From General Revenue Fund (0101) (one-time)	3,913,168
Total.....	\$69,704,693

*I hereby veto \$5,000,000 general revenue for planning, design, maintenance or construction of a flood wall in St. Louis City. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed part of this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

For the planning, design, maintenance or construction of a flood wall in St. Louis City.
From \$10,000,000 to \$5,000,000 from General Revenue Fund.

I hereby veto \$151,000 general revenue for the Metropolitan St. Louis Sewer District for a project to address yard flooding. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

For the Metropolitan St. Louis Sewer District.
From \$151,000 to \$0 from General Revenue Fund.

I hereby veto \$565,525 general revenue for bank erosion improvements at Grantwood Village. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in

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Matter in bold-face type is proposed language.

an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

For distribution to Grantwood Village to address bank erosion.
From \$565,525 to \$0 from General Revenue Fund.

I hereby veto \$75,000 general revenue for water infrastructure improvements and projects in Elsberry. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

For water infrastructure improvements and projects in Elsberry.
From \$75,000 to \$0 from General Revenue Fund.

From \$69,704,693 to \$63,913,168 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 6.238.** – To the Department of Natural Resources

For a sewer district serving over 520 square miles and five major watersheds that protects the health, safety, and water environment by responsibly providing wastewater and stormwater management, for a project to address yard and structure flooding, to construct trunk sewer to replace the existing system
From General Revenue Fund (0101) (one-time) \$869,000

For the planning, design, construction, maintenance, repair, and capital improvements for a sewer treatment facility located in any city with more than two thousand four hundred but fewer than two thousand seven hundred inhabitants and located in a county with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants
From General Revenue Fund (0101) (one-time) 6,000,000

For the maintenance, repair, and capital improvements for sewer updates for a nursing facility located in any county with more than three thousand six hundred but fewer than four thousand inhabitants
From General Revenue Fund (0101) (one-time) 1,200,000

For water infrastructure improvements and projects located in any city with more than seven hundred sixty but fewer than eight hundred fifty-five inhabitants and located in a county with more than six thousand but fewer than seven thousand inhabitants and with a county seat with fewer than three hundred inhabitants
From General Revenue Fund (0101) (one-time) 5,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the maintenance, repair, and capital improvements for sewer updates located in any village with more than one hundred eighty but fewer than two hundred five inhabitants and located in any county with more than fifty thousand but fewer than fifty-eight thousand inhabitants	
From General Revenue Fund (0101) (one-time)	15,000
For the planning, design, maintenance, construction, repair, or capital improvements for a sewer project located in a city with more than seven thousand but fewer than eight thousand inhabitants and that is the county seat of a county with more than thirty-five thousands but fewer than forty thousands inhabitants, provided that any grant awards disbursed from this appropriation be matched on a 90/10 basis by the recipient	
From General Revenue Fund (0101) (one-time)	5,000,000
For the planning, design, maintenance, construction or repair of a bridge located in any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants, at a lake that provides the main source of drinking water for the city	
From General Revenue Fund (0101) (one-time)	2,500,000
Total	\$20,584,000

*I hereby veto \$869,000 general revenue for the Metropolitan St. Louis Sewer District for a project to address yard flooding. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

For the Metropolitan St. Louis Sewer District.
From \$869,000 to \$0 from General Revenue Fund.

I hereby veto \$1,200,000 general revenue for sewer upgrades to a nursing facility. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this funding cannot be utilized due to an incorrect reference to the intended recipient; however, funding for this project has been appropriated to the correct facility in House Bill 20.

For maintenance, repair, and capital improvements for sewer updates for a nursing facility.
From \$1,200,000 to \$0 from General Revenue Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From \$20,584,000 to \$18,515,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.240. – To the Department of Natural Resources

For grants and contracts to study or reduce water pollution, improve ground water and/or surface water quality, provided that \$9,000,000 be used solely to encumber funds for future fiscal year expenditures, and provided that twenty-five percent (25%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140)	\$17,497,460
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568).....	3,300,000
For drinking water sampling, analysis, and public drinking water quality and treatment studies	
From Safe Drinking Water Fund (0679)	599,852
Total.....	\$21,397,312

SECTION 6.241. – To the Department of Natural Resources

For the monitoring of water quality of the Elk River watershed

From General Revenue Fund (0101) (one-time)	\$41,000
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SECTION 6.245. – To the Department of Natural Resources

For closure of concentrated animal feeding operations

From Concentrated Animal Feeding Operation Indemnity Fund (0834)	\$60,000
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SECTION 6.255. – To the Department of Natural Resources

For grants and contracts for air pollution control activities, provided that twenty-five percent (25%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140)	\$3,686,494
From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594).....	100,000
For grants and contracts for air pollution control activities in accordance with the department's beneficiary mitigation plan dated August 6, 2018	
From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268)	13,500,000
Total.....	\$17,286,494

SECTION 6.260. – To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the Hazardous Waste Fund

From General Revenue Fund (0101) (including \$4,776,251 one-time).....	\$5,436,657
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SECTION 6.265. – To the Department of Natural Resources

For the cleanup of hazardous waste or substances

From Department of Natural Resources Federal Fund (0140)	\$2,600,000
From Hazardous Waste Fund (0676).....	5,665,613
Total.....	\$8,265,613

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.270. – To the Department of Natural Resources

For implementation provisions of the Solid Waste Management Law in accordance with Sections 260.250 through 260.345, RSMo

From Solid Waste Management Fund (0570).....\$7,498,820
 From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....2,000,000

For grants to Solid Waste Management Districts for funding community-based reduce, reuse, and recycle grants

From Solid Waste Management Fund (0570).....5,000,000
 Total.....\$14,498,820

SECTION 6.280. – To the Department of Natural Resources

For expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, with general revenue expenditures not to exceed collections pursuant to Section 260.228, RSMo

Personal Service.....\$22,844
 Expense and Equipment.....428,984
 From General Revenue Fund (0101).....451,828

For expenditures of forfeited financial assurance instruments to ensure proper closure and post closure of solid waste landfills, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....1,382
 Expense and Equipment.....423,973
 From Post Closure Fund (0198).....425,355
 Total.....\$877,183

SECTION 6.285. – To the Department of Natural Resources

For environmental emergency response

From Hazardous Waste Fund (0676).....\$350,000

SECTION 6.290. – To the Department of Natural Resources

For petroleum related activities and environmental emergency response

Personal Service.....\$1,245,610
 Expense and Equipment.....84,673
 From Petroleum Storage Tank Insurance Fund (0585) (Not to exceed 21.20 F.T.E.)\$1,330,283

SECTION 6.295. – To the Department of Natural Resources

For the Missouri Geological Survey, provided that three percent (3%) flexibility is allowed from this section to Section 6.415

Personal Service.....\$3,232,117
 Expense and Equipment (including \$725,000 one-time)2,270,194
 From General Revenue Fund (0101)5,502,311

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

For a statewide dam inspector performing inspections of non-agricultural dams	
Personal Service.....	77,771
Expense and Equipment.....	<u>7,477</u>
From General Revenue Fund (0101)	85,248
For the Missouri Geological Survey, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	1,974,888
Expense and Equipment (including \$4,646 one-time).....	<u>504,130</u>
From Department of Natural Resources Federal Fund (0140)	2,479,018
Personal Service	
From Department of Natural Resources Revolving Services Fund (0425)	21,156
Personal Service.....	724,617
Expense and Equipment.....	<u>97,497</u>
From Groundwater Protection Fund (0660).....	822,114
Personal Service.....	16,658
Expense and Equipment.....	<u>5,072</u>
From Natural Resources Protection Fund- Water Pollution Permit Fee Subaccount (0568).....	21,730
Personal Service.....	209,822
Expense and Equipment.....	<u>9,480</u>
From Solid Waste Management Fund (0570).....	219,302
Personal Service.....	177,326
Expense and Equipment.....	<u>31,010</u>
From Hazardous Waste Fund (0676).....	208,336
Personal Service.....	17,908
Expense and Equipment.....	<u>4,105</u>
From DNR Cost Allocation Fund (0500).....	22,013
Personal Service.....	132,293
Expense and Equipment.....	<u>18,270</u>
From Geologic Resources Fund (0801).....	150,563
Personal Service.....	39,754
Expense and Equipment.....	<u>13,761</u>
From Metallic Minerals Waste Management Fund (0575)	53,515
Personal Service.....	537,855
Expense and Equipment.....	<u>202,079</u>
From Mined Land Reclamation Fund (0906)	739,934

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From Abandoned Mine Reclamation Fund (0697)	13
Personal Service.....	9,112
Expense and Equipment.....	<u>7,625</u>
From Oil and Gas Remedial Fund (0699)	16,737
Personal Service.....	109,623
Expense and Equipment.....	<u>12,006</u>
From Oil and Gas Resources Fund (0543).....	121,629
Personal Service.....	68,938
Expense and Equipment.....	<u>5,401</u>
From Coal Combustion Residuals Subaccount (0551)	74,339
Personal Service.....	12,494
Expense and Equipment.....	<u>2,000</u>
From Natural Resources Protection Fund (0555)	14,494
Personal Service	108,306
Expense and Equipment.....	<u>3,902</u>
From Multipurpose Water Resource Program Fund (0815)	112,208
Personal Service	1,374,345
Expense and Equipment.....	<u>249,982</u>
From Soil and Water Sales Tax Fund (0614).....	<u>1,624,327</u>
Total (Not to exceed 140.58 F.T.E.)	\$12,288,987
SECTION 6.300. – To the Department of Natural Resources	
Funds are to be transferred out of the State Treasury to the Mined Land Reclamation Fund, provided that three percent (3%) flexibility is allowed from this section to Section 6.415	
From General Revenue Fund (0101)	\$200,000
SECTION 6.305. – To the Department of Natural Resources	
Funds are to be transferred out of the State Treasury to the Multipurpose Water Resource Program Fund	
From General Revenue Fund (0101) (including \$5,500,000 one-time).....	\$37,437,310
For the Multipurpose Water Resource Program	
From Multipurpose Water Resource Program Fund (0815).....	48,187,310
For a drought response plan, water supply availability studies, watershed feasibility studies and related efforts to protect Missouri's water supply interests	
From General Revenue Fund (0101)	<u>924,920</u>
Total.....	\$86,549,540

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.310. – To the Department of Natural Resources
 For bond forfeiture funds for the reclamation of mined land
 From Mined Land Reclamation Fund (0906) \$350,000

For the reclamation of abandoned mined lands
 From Department of Natural Resources Federal Fund (0140) 9,232,500

For contracts for hydrologic studies to assist small coal operators to meet permit
 requirements
 From Department of Natural Resources Federal Fund (0140) 1,000
 Total..... \$9,583,500

SECTION 6.315. – To the Department of Natural Resources
 For expense and equipment in accordance with the provisions of Section
 259.190, RSMo
 From Oil and Gas Remedial Fund (0699) \$150,000

SECTION 6.320. – To the Department of Natural Resources
 For abandoned oil and gas well inventory and plugging
 From Department of Natural Resources Federal Fund (0140) \$3,830,000

SECTION 6.325. – To the Department of Natural Resources
 For the Missouri Geological Survey
 For demonstration projects and technical assistance related to soil and water
 conservation
 For grants to local soil and water conservation districts
 For soil and water conservation cost-share grants
 For a conservation monitoring program
 For grants to colleges and universities for research projects on soil erosion and
 conservation
 From Department of Natural Resources Federal Fund (0140) \$1,000,000
 From Soil and Water Sales Tax Fund (0614)..... 69,480,570
 Total..... \$70,480,570

SECTION 6.326. – To the Department of Natural Resources
 For a grant program to county soil and water districts to create a match program
 of \$7,500 per county, designated to buy or replace no-till drills
 From Soil and Water Sales Tax Fund (0614)..... \$75,000

SECTION 6.330. – To the Department of Natural Resources
 Funds to be transferred out of the State Treasury to the Missouri Water
 Development Fund, provided that three percent (3%) flexibility is allowed
 from this section to Section 6.415
 From General Revenue Fund (0101) \$600,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 6.335. – To the Department of Natural Resources

For interest, operations, and maintenance in accordance with the Clarence

Cannon Water Contract

From Missouri Water Development Fund (0174) \$600,000

SECTION 6.340. – To the Department of Natural Resources

For the Division of Energy, provided that fifty percent (50%) flexibility is

allowed between funds and no flexibility is allowed between personal

service and expense and equipment

Personal Service

From General Revenue Fund (0101) \$154,008

Personal Service..... 1,756,768

Expense and Equipment (including \$19,056 one-time)..... 814,525

From Department of Natural Resources Federal Fund (0140) 2,571,293

Personal Service..... 851,057

Expense and Equipment..... 150,368

From Energy Set-Aside Program Fund (0667)..... 1,001,425

Personal Service..... 71,207

Expense and Equipment..... 4,215

From DNR Cost Allocation Fund (0500)..... 75,422

Personal Service..... 92,475

Expense and Equipment..... 20,000

From Energy Futures Fund (0935)..... 112,475

Total (Not to exceed 38.00 F.T.E.) \$3,914,623

SECTION 6.345. – To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the General Revenue

Fund

From Utility Revolving Fund (0874)..... \$12,300,000

SECTION 6.350. – To the Department of Natural Resources

For the promotion of energy, renewable energy, and energy efficiency, provided

that \$18,000,000 be used solely to encumber funds for future fiscal year

expenditures, and provided that twenty-five percent (25%) flexibility is

allowed between funds and no flexibility is allowed between personal

service and expense and equipment

From Department of Natural Resources Federal Fund (0140) \$91,364,513

From Energy Set-Aside Program Fund (0667)..... 22,000,000

From Energy Futures Fund (0935)..... 6,000,000

From Utilicare Stabilization Fund (0134)..... 100

For the Low-Income Weatherization Assistance Program

From Department of Natural Resources Federal Fund (0140) 9,948,293

From Department of Natural Resources Federal Stimulus - 2021 Fund (2449)..... 10,384,342

Total..... \$139,697,248

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.355. – To the Department of Natural Resources

For the Wood Energy Tax Credit Program

For the redemption of authorized tax credits applied for between January 1, 2023
and June 30, 2023, under Sections 135.300 through 135.311, RSMo,
provided that three percent (3%) flexibility is allowed from this section to
Section 6.415

From General Revenue Fund (0101)\$3,000,000

SECTION 6.360. – To the Department of Natural Resources

For Missouri State Parks

For State Parks operations, provided that five percent (5%) flexibility is allowed
between funds and no flexibility is allowed between personal service and
expense and equipment

Personal Service

From General Revenue Fund (0101)\$141,137

Personal Service..... 139,158

Expense and Equipment..... 31,718

From Department of Natural Resources Federal Fund (0140) 170,876

Personal Service..... 1,656,653

Expense and Equipment (including \$808,043 one-time) 4,138,711

From State Park Earnings Fund (0415)5,795,364

Personal Service..... 1,052,792

Expense and Equipment..... 68,159

From DNR Cost Allocation Fund (0500)..... 1,120,951

Personal Service.....26,842,986

Expense and Equipment (including \$445,994 one-time) 11,208,676

From Parks Sales Tax Fund (0613).....38,051,662

Personal Service..... 233,023

Expense and Equipment (including \$114,022 one-time) 912,999

From Rock Island Trail State Park Endowment Fund (0908) 1,146,022

Personal Service..... 75,652

Expense and Equipment..... 75,000

From Doctor Edmund A. Babler Memorial State Park Fund (0911)..... 150,652

Expense and Equipment

From Meramec-Onondaga State Parks Fund (0698)..... 65,000

For Rock Island State Park

Expense and Equipment

From Department of Natural Resources Federal Stimulus - 2021 Fund (2449)..... 158,622

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For state park support activities and grants and/or loans for recreational purposes, provided that \$27,400,000 be used solely to encumber funds for future fiscal year expenditures	
From Department of Natural Resources Federal Fund (0140)	35,650,000
Levy District Payments	15,000
Payment in Lieu of Taxes	20,000
Bruce R. Watkins Center Expense and Equipment.....	100,000
From Parks Sales Tax Fund (0613).....	135,000
Bruce R. Watkins Center Planning Expense and Equipment	
From General Revenue Fund (0101)	150,000
Parks Concession Personal Service	76,886
Parks Concession Expense and Equipment.....	199,350
Gifts to Parks Expense and Equipment.....	750,000
Parks Resale Expense and Equipment	1,000,000
State Park Grants Expense and Equipment.....	450,000
From State Park Earnings Fund (0415)	2,476,236
Total (Not to exceed 667.21 F.T.E.)	\$85,211,522

SECTION 6.365. – To the Department of Natural Resources

For Historic Preservation Operations, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service	
From General Revenue Fund (0101)	\$40,379
Personal Service.....	464,139
Expense and Equipment.....	50,169
From Department of Natural Resources Federal Fund (0140)	514,308
Personal Service.....	251,566
Expense and Equipment.....	31,385
From Historic Preservation Revolving Fund (0430)	282,951
Personal Service.....	127,695
Expense and Equipment.....	10,877
From Economic Development Advancement Fund (0783).....	138,572
For historic preservation grants and contracts, provided that twenty-five percent (25%) flexibility is allowed between funds	
From Department of Natural Resources Federal Fund (0140)	600,000
From Historic Preservation Revolving Fund (0430)	1,841,667
Total (Not to exceed 17.25 F.T.E.)	\$3,417,877

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.370. – To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the Historic Preservation Revolving Fund, provided that three percent (3%) flexibility is allowed from this section to Section 6.415

From General Revenue Fund (0101)\$1,871,286

SECTION 6.375. – To the Department of Natural Resources

For expenditures of payments received for damages to the state's natural resources, provided that twenty-five percent (25%) flexibility is allowed between funds

Expense and Equipment

From Natural Resources Protection Fund (0555)\$4,300,000

From Natural Resources Protection Fund- Water Pollution Permit Fee

Subaccount (0568) 100,000

Total.....\$4,400,000

SECTION 6.380. – To the Department of Natural Resources

Expense and Equipment

From Department of Natural Resources Revolving Services Fund (0425)\$3,021,835

SECTION 6.385. – To the Department of Natural Resources

For refunds, provided that seventy-five percent (75%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140)\$9,445

From Missouri Air Emission Reduction Fund (0267)..... 16,038

From State Park Earnings Fund (0415) 84,946

From Department of Natural Resources Revolving Services Fund (0425) 1,419

From Historic Preservation Revolving Fund (0430)165

From DNR Cost Allocation Fund (0500)..... 3,478

From Oil and Gas Resources Fund (0543).....100

From Natural Resources Protection Fund - Water Pollution Permit Fee

Subaccount (0568) 46,982

From Solid Waste Management Fund - Scrap Tire Subaccount (0569) 1,165

From Solid Waste Management Fund (0570)..... 1,165

From Metallic Minerals Waste Management Fund (0575)165

From Natural Resources Protection Fund - Air Pollution Asbestos Fee

Subaccount (0584) 9,930

From Underground Storage Tank Regulation Program Fund (0586) 4,965

From Natural Resources Protection Fund - Air Pollution Permit Fee

Subaccount (0594) 62,082

From Water and Wastewater Loan Revolving Fund (0602)..... 10,498

From Parks Sales Tax Fund (0613)..... 25,723

From Soil and Water Sales Tax Fund (0614).....329

From Water and Wastewater Loan Fund (0649)165

From Environmental Radiation Monitoring Fund (0656).....250

From Groundwater Protection Fund (0660)..... 3,165

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Energy Set-Aside Program Fund (0667)	2,204
From Hazardous Waste Fund (0676)	59,688
From Safe Drinking Water Fund (0679)	14,726
From Abandoned Mine Reclamation Fund (0697)	165
From Oil and Gas Remedial Fund (0699)	650
From Storm Water Loan Revolving Fund (0754)	200
From Rural Water and Sewer Loan Revolving Fund (0755)	165
From Geologic Resources Fund (0801)	4,400
From Confederate Memorial Park Fund (0812)	165
From Concentrated Animal Feeding Operation Indemnity Fund (0834)	450
From Mined Land Reclamation Fund (0906)	10,095
From Doctor Edmund A. Babler Memorial State Park Fund (0911)	417
From Energy Futures Fund (0935)	4,500
Total	\$380,000

SECTION 6.390. – To the Department of Natural Resources

For sales tax on retail sales, provided that seventy-five percent (75%) flexibility is allowed between funds

From State Park Earnings Fund (0415)	\$30,000
From Department of Natural Resources Revolving Services Fund (0425)	1,000
Total	\$31,000

SECTION 6.395. – To the Department of Natural Resources

Funds are to be transferred out of the State Treasury, to the DNR Cost Allocation Fund for real property leases, related services, utilities, systems furniture, structural modifications, capital improvements and related expenses, and for the purpose of funding the consolidation of Information Technology Services, provided that five percent (5%) flexibility is allowed between DNR Cost Allocation transfer, Cost Allocation HB 13 transfer, and Cost Allocation Information Technology Services Division transfer

For Cost Allocation Transfer, provided that five percent (5%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267)	\$227,832
From State Park Earnings Fund (0415)	440,972
From Historic Preservation Revolving Fund (0430)	28,244
From Natural Resources Protection Fund (0555)	39,239
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	1,118,952
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	112,101
From Solid Waste Management Fund (0570)	530,675
From Metallic Minerals Waste Management Fund (0575)	5,881
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584)	69,511
From Petroleum Storage Tank Insurance Fund (0585)	226,762
From Underground Storage Tank Regulation Program Fund (0586)	28,811

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594).....	877,616
From Parks Sales Tax Fund (0613).....	3,507,489
From Soil and Water Sales Tax Fund (0614).....	305,625
From Water and Wastewater Loan Fund (0649)	182,928
From Environmental Radiation Monitoring Fund (0656).....	6,196
From Groundwater Protection Fund (0660).....	92,362
From Energy Set-Aside Program Fund (0667)	197,559
From Hazardous Waste Fund (0676).....	492,887
From Safe Drinking Water Fund (0679)	627,017
From Geologic Resources Fund (0801).....	19,515
From Mined Land Reclamation Fund (0906)	68,552
From Energy Futures Fund (0935).....	22,038
Total DNR Cost Allocation Transfer	9,228,764

For Cost Allocation HB 13 Transfer, provided that twenty-five percent (25%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267).....	4,828
From State Park Earnings Fund (0415)	8,983
From Historic Preservation Revolving Fund (0430)	575
From Natural Resources Protection Fund (0555)	832
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568).....	23,672
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....	2,375
From Solid Waste Management Fund (0570).....	10,948
From Metallic Minerals Waste Management Fund (0575)	57
From Natural Resources Protection Fund - Air Pollution Asbestos Fee	
Subaccount (0584).....	1,473
From Petroleum Storage Tank Insurance Fund (0585).....	4,569
From Underground Storage Tank Regulation Program Fund (0586)	610
From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594).....	18,589
From Parks Sales Tax Fund (0613).....	71,463
From Soil and Water Sales Tax Fund (0614).....	6,473
From Environmental Radiation Monitoring Fund (0656).....	131
From Groundwater Protection Fund (0660).....	899
From Water and Wastewater Loan Fund (0649)	3,874
From Energy Set-Aside Program Fund (0667)	1,104
From Hazardous Waste Fund (0676).....	10,147
From Safe Drinking Water Fund (0679)	13,281
From Geologic Resources Fund (0801).....	190
From Mined Land Reclamation Fund (0906)	667
From Energy Futures Fund (0935).....	123
Total Cost Allocation HB 2013 Transfer.....	185,863

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For Cost Allocation Information Technology Services Division Transfer, provided that five percent (5%) flexibility is allowed between funds	
From Missouri Air Emission Reduction Fund (0267).....	156,776
From State Park Earnings Fund (0415)	201,934
From Historic Preservation Revolving Fund (0430)	12,934
From Natural Resources Protection Fund (0555)	27,002
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	772,424
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	77,139
From Solid Waste Management Fund (0570)	389,486
From Metallic Minerals Waste Management Fund (0575)	9,628
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584)	47,832
From Petroleum Storage Tank Insurance Fund (0585)	176,708
From Underground Storage Tank Regulation Program Fund (0586)	19,826
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594)	603,909
From Parks Sales Tax Fund (0613)	1,606,188
From Soil and Water Sales Tax Fund (0614)	444,821
From Water and Wastewater Loan Fund (0649)	125,877
From Environmental Radiation Monitoring Fund (0656)	4,264
From Energy Set-Aside Program Fund (0667)	83,855
From Hazardous Waste Fund (0676)	363,327
From Safe Drinking Water Fund (0679)	431,466
From Geologic Resources Fund (0801)	31,943
From Energy Futures Fund (0935)	9,354
Total Cost Allocation Information Technology Services Division Transfer	5,596,693
Total	\$15,011,320

SECTION 6.400. – To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the OA Information
Technology - Federal and Other Fund for the purpose of funding the
consolidation of Information Technology Services

From Department of Natural Resources Federal Fund (0140)\$2,693,271

SECTION 6.405. – To the Department of Natural Resources

For the State Environmental Improvement and Energy Resources Authority
For all costs incurred in the operation of the authority, including special studies

Personal Service.....\$609,630

Expense and Equipment.....601,095

From State Environmental Improvement Authority Fund (0654) (Not to exceed
8.00 F.T.E.).....\$1,210,725

SECTION 6.410. – To the Department of Natural Resources

For the Board of Trustees for the Petroleum Storage Tank Insurance Fund

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the general administration and operation of the fund, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$306,192
Expense and Equipment.....	<u>2,095,476</u>
From Petroleum Storage Tank Insurance Fund (0585).....	2,401,668
For investigating and paying claims obligations of the Petroleum Storage Tank Insurance Fund	
From Petroleum Storage Tank Insurance Fund (0585).....	20,000,000
For refunds of erroneously collected receipts	
From Petroleum Storage Tank Insurance Fund (0585).....	<u>70,000</u>
Total (Not to exceed 4.00 F.T.E.).....	\$22,471,668

SECTION 6.415. – To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for payment of claims, premiums, and expense as provided by Section 105.711 through 105.726, RSMo	
From General Revenue Fund (0101)	\$1

SECTION 6.600. – To the Department of Conservation

For Habitat Management, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625	
Personal Service.....	\$20,014,308
Expense and Equipment.....	<u>24,315,347</u>
From Conservation Commission Fund (0609) (Not to exceed 432.77 F.T.E.)	\$44,329,655

SECTION 6.605. – To the Department of Conservation

For Fish and Wildlife Management, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625	
Personal Service.....	\$25,420,552
Expense and Equipment.....	<u>12,892,988</u>
From Conservation Commission Fund (0609) (Not to exceed 493.68 F.T.E.)	\$38,313,540

SECTION 6.610. – To the Department of Conservation

For Recreation Management, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625	
Personal Service.....	\$13,188,035
Expense and Equipment.....	<u>10,076,600</u>
From Conservation Commission Fund (0609) (Not to exceed 288.71 F.T.E.)	\$23,264,635

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.615. – To the Department of Conservation

For Education and Communication, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625

Personal Service.....	\$10,896,001
Expense and Equipment.....	<u>9,829,331</u>
From Conservation Commission Fund (0609) (Not to exceed 205.25 F.T.E.)	\$20,725,332

SECTION 6.620. – To the Department of Conservation

For Conservation Business Services, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625

Personal Service (including \$572,000 one-time)	\$19,628,076
Expense and Equipment (including \$7,212,000 one-time)	<u>46,918,897</u>
From Conservation Commission Fund (0609) (Not to exceed 331.07 F.T.E.)	\$66,546,973

SECTION 6.625. – To the Department of Conservation

For Staff Development and Benefits, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625

Personal Service.....	\$21,522,431
Expense and Equipment.....	<u>2,445,465</u>
From Conservation Commission Fund (0609) (Not to exceed 71.03 F.T.E.)	\$23,967,896

SECTION 6.629. – To the Department of Conservation

For vehicle checkpoints where motorists may be detained without individualized reasonable suspicion and related administrative expenses

From Conservation Commission Fund (0609)	\$1
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PART 2**SECTION 6.700.** – To the Department of Agriculture, the Department of Natural Resources, and the Department of Conservation

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

SECTION 6.705. – To the Department of Natural Resources

In reference to Section 6.200 through and including Section 6.415 of Part 1 of this act:

No funds shall be expended on land purchases for which the Department of Natural Resources did not provide notice to the General Assembly, in writing, at least sixty (60) days prior to the purchase.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.710. – To the Department of Natural Resources

In reference to Section 6.200 through and including Section 6.415 of Part 1 of this act:

No funds shall be spent to implement or enforce any portion of the rule proposed by the United States Army Corps of Engineers and the United States Environmental Protection Agency on June 29, 2015, 80 Federal Register 37054, known as the 2015 “WOTUS” rule, that purported to revise the regulatory definition of “waters of the United States” or “navigable waters” under the federal Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq., without the approval of the General Assembly.

SECTION 6.715. – To the Department of Natural Resources

In reference to Section 6.200 through and including Section 6.415 of Part 1 of this act:

No funds shall be spent to implement or enforce any portion of the federal Environmental Protection Agency’s “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units,” 80 Fed. Reg. 64,662 (October 23, 2015).

SECTION 6.720. – To the Department of Conservation

In reference to Section 6.600 through and including Section 6.625 of Part 1 of this act:

No funds shall be expended on the development, maintenance, use, transmission, or storage of any landowner registry for which any data are collected incident to a landowner request for a hunting permit.

SECTION 6.725. – To the Department of Conservation

In reference to all sections, except Section 6.629, in Part 1 and Part 2 of this act:

No funds shall be expended for vehicle checkpoints where motorists may be detained without individualized reasonable suspicion, and related administrative expenses.

SECTION 6.735. – To the Department of Natural Resources

In reference to 6.200 through and including 6.415 of Part 1 of this act:

No funds shall be used for the maintenance, rehabilitation, restoration, and repair of the Missouri Rock Island Trail Corridor that runs from Windsor to Beaufort, Missouri on private land in which the trail runs through or outside of any city, town, or village limits.

Department of Agriculture Totals

General Revenue Fund.....	\$88,156,179
Federal Funds.....	8,338,750
Other Funds.....	<u>30,056,630</u>
Total.....	\$126,551,559

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Department of Natural Resources Totals

General Revenue Fund.....	\$165,077,504
Federal Funds.....	190,220,827
Other Funds.....	785,589,848
Total.....	\$1,140,888,179

Department of Conservation Totals

Total - Other Funds	\$217,148,032
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Approved June 30, 2023

CCS SCS HCS HB 7

**Appropriates money for the expenses, grants, refunds, and distributions of the
Department of Economic Development, the Department of Commerce and
Insurance, and the Department of Labor and Industrial Relations**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Commerce and Insurance, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

PART 1

SECTION 7.000. – Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

appropriations in this act of which said clarification of purpose is a part. An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an appropriation identified as "one-time" in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

SECTION 7.005. – To the Department of Economic Development

For the Regional Engagement Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

Personal Service.....	\$1,586,419
Expense and Equipment.....	<u>830,201</u>
From General Revenue Fund (0101)	2,416,620
Personal Service	
From Department of Economic Development - Community Development	
Block Grant (Administration) Fund (0123)	60,942
Personal Service.....	355,018
Expense and Equipment.....	<u>60,136</u>
From Job Development and Training Fund (0155)	415,154
Personal Service	
From Department of Economic Development Administrative Fund (0547).....	21,269
Expense and Equipment	
From International Promotions Revolving Fund (0567).....	600,000
Expense and Equipment	
From Economic Development Advancement Fund (0783).....	355,000
For regional engagement and minority participation and inclusion efforts	
Personal Service	
From General Revenue Fund (0101)	87,305
For International Trade and Investment Offices	
From Economic Development Advancement Fund (0783).....	1,500,000
For business recruitment and marketing	
From Economic Development Advancement Fund (0783).....	<u>3,500,000</u>
Total (Not to exceed 35.88 F.T.E.)	\$8,956,290

SECTION 7.010. – To the Department of Economic Development

For Delta Regional Authority Organizational Dues

From Economic Development Advancement Fund (0783).....	\$174,171
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 7.015. – To the Department of Economic Development

For the Business and Community Solutions Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

Personal Service.....	\$2,181,200
Expense and Equipment (including \$115,165 one-time)	437,110
From General Revenue Fund (0101)	2,618,310
Personal Service.....	1,388,694
Expense and Equipment.....	253,374
From Department of Economic Development - Community Development	
Block Grant (Administration) Fund (0123)	1,642,068
Personal Service	
From Department of Economic Development Administrative Fund (0547).....	102,135
Personal Service.....	54,279
Expense and Equipment.....	3,890
From State Supplemental Downtown Development Fund (0766)	58,169
Personal Service	
From Economic Development Advancement Fund (0783).....	205,927
For a minority business incubator organization located in the north geographic region of a city not within a county, for a program to create a destination featuring minority-owned business ventures	
From Budget Stabilization Fund (0522) (one-time)	500,000
For a non-profit organization, located in a city not within a county, established in 2012 that focuses on increasing the number of young community leaders	
From Budget Stabilization Fund (0522) (one-time)	500,000
For a 501 c3 community development corporation that works to strengthen and attract investment that creates and maintains vibrant neighborhoods and commercial districts located in any city not within a county	
From General Revenue Fund (0101) (one-time)	250,000
For refunding any overpayment or erroneous payment of any amount that is credited to the Economic Development Advancement Fund	
From Economic Development Advancement Fund (0783).....	10,000
Total (Not to exceed 59.00 F.T.E.)	\$5,886,609

SECTION 7.020. – To the Department of Economic Development

For tourism infrastructure pursuant to Section 99.585, RSMo

From General Revenue Fund (0101) (including \$525,000 one-time).....\$2,500,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 7.021. – To the Department of Economic Development

For the planning, design, acquisition and construction of public infrastructure to support a youth athletics complex to be co-located with an indoor athletics training facility located in any city with more than three thousand eight hundred but fewer than four thousand four hundred inhabitants and located in a county with more than one hundred thousand but fewer than one hundred twenty thousand inhabitants and with a county seat with more than four thousand but fewer than six thousand inhabitants

From General Revenue Fund (0101) (one-time)\$3,000,000

***SECTION 7.022.** – To the Department of Economic Development

For community development and industrialization located in any city with more than six thousand three hundred but fewer than seven thousand inhabitants and located in a county with more than sixty thousand but fewer than seventy thousand inhabitants

From General Revenue Fund (0101) (one-time)\$450,000

*I hereby veto \$450,000 general revenue for community development and industrialization in Bonne Terre. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$450,000 to \$0 from General Revenue Fund.

From \$450,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.023. – To the Department of Economic Development

For the maintenance and improvements of a sports complex located in any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants

From General Revenue Fund (0101) (one-time)\$4,000,000

SECTION 7.024. – To the Department of Economic Development

For the planning, design, and construction of a park above an interstate in any city with more than four hundred thousand inhabitants and located in more than one county

From General Revenue Fund (0101) (one-time)\$28,600,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 7.025. – To the Department of Economic Development

Funds are to be transferred out of the State Treasury to the Missouri
Technology Investment Fund

From General Revenue Fund (0101)\$29,700,000

SECTION 7.030. – To the Department of Economic Development

For the Missouri Technology Corporation, provided that all funds appropriated
to the Missouri Technology Corporation by the General Assembly shall be
subject to the provisions of Section 196.1127, RSMo

For administration and for science and technology development, including but
not limited to, innovation centers and the Missouri Manufacturing Extension
Partnership

From Missouri Technology Investment Fund (0172) (including
\$15,000,000 one-time)\$23,500,000

For a not-for-profit organization that has received a similar state funded grant for
establishing Missouri in re-shoring active pharmaceutical ingredient (API)
manufacturing and for a public university that conducts technology
development and manufacturing of semiconductors and has previously
received a similar state funded grant

From Missouri Technology Investment Fund (0172) 15,000,000

For grants to a tech startup ecosystem located in any city with more than sixteen
thousand but fewer than eighteen thousand inhabitants and that is the county
seat of a county with more than twenty-five thousand but fewer than thirty
thousand inhabitants provided that any grant awards disbursed from this
appropriation shall be matched on a 50/50 basis in order to be eligible for
state funds

From General Revenue Fund (0101) (one-time) 1,000,000

For a start-up incubator and accelerator space located in any city with more than
one thousand three hundred but fewer than one thousand five hundred
inhabitants and that is the county seat of a county with more than nine
thousand nine hundred but fewer than eleven thousand inhabitants

From General Revenue Fund (0101) (one-time) 2,200,000

Total.....\$41,700,000

SECTION 7.031. – To the Department of Economic Development

For a nonprofit innovation community that focuses on accelerating inclusive
economic growth located in any city not within a county

From General Revenue Fund (0101) (one-time)\$7,000,000

SECTION 7.032. – To the Department of Economic Development

For grants to a state university in order to facilitate a two-year study
demonstrating Missouri's potential as a national leader in the mining and
refining of critical minerals essential to Missouri manufacturing and creating
a demonstration facility focused on generating battery-ready materials

From General Revenue Fund (0101) (one-time)\$16,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 7.035. – To the Department of Economic Development

For the Creating Helpful Incentives to Produce Semiconductors and Science

(CHIPS) Act Program to attract semiconductor manufacturers to Missouri

From General Revenue Fund (0101) (one-time)\$10,000,000

From Department of Economic Development Federal Fund (0129) (one-time)..... 50,000,000

Total.....\$60,000,000

SECTION 7.040. – To the Department of Economic Development

For the State Small Business Credit Initiative

From Department of Economic Development Federal Stimulus - 2021

Fund (2451).....\$94,855,803

SECTION 7.045. – To the Department of Economic Development

For the Business and Community Solutions Division

For the Community Development Block Grant Program

Expense and Equipment.....\$57,318,920

For the Community Development Block Grant - Disaster Recovery Program

Expense and Equipment..... 47,681,080

From Department of Economic Development - Community

Development Block Grant (Pass-through) Fund (0118) 105,000,000

For the Community Development Block Grant - Federal Stimulus Program

For projects to support local community development activities

From Department of Economic Development Federal Stimulus Fund (2360) 30,123,396

Total.....\$135,123,396

***SECTION 7.046.** – To the Department of Economic Development

For a 501 c-6 non-profit organization located in a city with more than twenty-three thousand but fewer than twenty-seven thousand inhabitants and located in a county with more than seven hundred thousand but fewer than eight hundred thousand inhabitants, and supports the local business community provided that said non-profit organization uses such funds for the improvements of sidewalks, crosswalks, landscaping, and any other walkability improvements as needed

From General Revenue Fund (0101) (one-time) \$300,000

*I hereby veto \$300,000 general revenue for walkability improvements in Grandview. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu earmarked of state funding for this project.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Said section is vetoed in its entirety from \$300,000 to \$0 from General Revenue Fund.
From \$300,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.047.** – To the Department of Economic Development

For an organization in a city with more than eighteen thousand but fewer than
twenty thousand inhabitants and located in a county with more than two
hundred sixty thousand but fewer than three hundred thousand inhabitants,
and performs business development, advocacy, and evaluations

From General Revenue Fund (0101) (one-time) \$500,000

*I hereby veto \$500,000 general revenue for an organization in Republic that performs business development, advocacy, and evaluations. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.
From \$500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.048.** – To the Department of Economic Development

For a program in a city not within a county to provide grants to businesses in
low-income communities, in the amount of \$15,000 each, for the purpose of
repairing the facades of such businesses

From General Revenue Fund (0101) (one-time) \$150,000

From Economic Development and Advancement Fund (0783) (one-time) 150,000

Total..... \$300,000

*I hereby veto \$300,000, including \$150,000 general revenue, for a business facade improvements program in St. Louis City to provide grants to businesses in low-income communities. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is not an eligible use of the Economic Development Advancement Fund (EDAF) under

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Matter in bold-face type is proposed language.

Section 620.1900, RSMo. By statute, EDAF shall be used as follows: 37.5% shall be appropriated for business recruitment and marketing (Section 620.1900.2(2), RSMo); at least 50% shall be appropriated for marketing, technical assistance, and training, contracts for specialized economic development services, and new initiatives and pilot programming to address economic trends (Section 620.1900.5, RSMo); and the remainder may be appropriated toward the cost of staffing and operating expenses for DED program activities and for accountability functions (Section 620.1900.5, RSMo). Additionally, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety.

From \$150,000 to \$0 from General Revenue Fund.

From \$150,000 to \$0 from Economic Development and Advancement Fund.

From \$300,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.050. – To the Department of Economic Development

For the Business and Community Solutions Division

For the Missouri Main Street Program

From Economic Development Advancement Fund (0783).....\$1,000,000

***SECTION 7.051.** – To the Department of Economic Development

For the purpose of funding a retail business incubator located in a city not within a county that will assist entrepreneurs in building a strong business infrastructure which enables the growth and scaling of enterprises by providing training and support, and attracts investment that creates and maintains equitable vibrant urban neighborhoods and commercial districts to prevent retail deserts in an urban setting

From General Revenue Fund (0101) (one-time)\$250,000

*I hereby veto \$250,000 general revenue for a retail business incubator in St. Louis City. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$250,000 to \$0 from General Revenue Fund.

From \$250,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.055. – To the Department of Economic Development

Funds are to be transferred out of the State Treasury to the Missouri Supplemental Tax Increment Financing Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

From General Revenue Fund (0101)\$36,856,615

SECTION 7.060. – To the Department of Economic Development

For Missouri supplemental tax increment financing as provided in Section

99.845, RSMo. This appropriation may be used for the following projects: Kansas City Midtown, Independence Santa Fe Trail Neighborhood, St. Louis City Convention Hotel, Springfield Jordan Valley Park, Kansas City Bannister Mall/Three Trails Office, St. Louis Lambert Airport Eastern Perimeter, Old Post Office in Kansas City, 1200 Main Garage Project in Kansas City, Riverside Levee, Branson Landing, Eastern Jackson County Bass Pro, Kansas City East Village Project, St. Louis Innovation District, National Geospatial Agency West, Fenton Logistics Park, and IDEA Commons. The presence of a project in this list is not an indication said project is nor shall be approved for tax increment financing. A listed project must have completed the application process and a certificate of approval must have been issued pursuant to Section 99.845 (10), RSMo, before a project may be disbursed funds subject to the appropriation.

From Missouri Supplemental Tax Increment Financing Fund (0848).....\$36,856,615

SECTION 7.065. – To the Department of Economic Development

Funds are to be transferred out of the State Treasury, such amounts generated by development projects, as required by Section 99.963, RSMo, to the State Supplemental Downtown Development Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

From General Revenue Fund (0101)\$1,667,127

SECTION 7.070. – To the Department of Economic Development

For the Missouri Downtown Economic Stimulus Act as provided in Sections 99.915 to 99.980, RSMo

From State Supplemental Downtown Development Fund (0766).....\$1,614,885

SECTION 7.075. – To the Department of Economic Development

Funds are to be transferred out of the State Treasury, such amounts generated by redevelopment projects, as required by Section 99.1092, RSMo, to the Downtown Revitalization Preservation Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

From General Revenue Fund (0101)\$250,000

SECTION 7.080. – To the Department of Economic Development

For the Downtown Revitalization Preservation Program as provided in Sections 99.1080 to 99.1092, RSMo

From Downtown Revitalization Preservation Fund (0907).....\$250,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 7.085. – To the Department of Economic Development

For the Business and Community Solutions Division

For the Missouri Community Service Commission

Personal Service.....	\$371,924
Expense and Equipment.....	<u>16,590,321</u>
From Community Service Commission Fund (0197)	16,962,245
Personal Service.....	66,514
Expense and Equipment.....	<u>6,042,063</u>
From Department of Economic Development Federal Stimulus - 2021 Fund (2451).....	<u>6,108,577</u>
Total (Not to exceed 6.00 F.T.E.).....	\$23,070,822

SECTION 7.090. – To the Department of Economic Development

For the Missouri One Start Division, provided that not more than ten percent

(10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

Personal Service.....	\$768,312
Expense and Equipment.....	<u>106,320</u>
From General Revenue Fund (0101) (Not to exceed 12.00 F.T.E.)	\$874,632

SECTION 7.095. – To the Department of Economic Development

For the Community College Training Program

For training of workers by community college districts

From Missouri One Start Community College Training Fund (0538)	\$27,000,000
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SECTION 7.100. – To the Department of Economic Development

For new and expanding industry training programs and basic industry retraining programs

From General Revenue Fund (0101)	\$15,116,835
From Missouri One Start Job Development Fund (0600).....	<u>2,448,221</u>
Total.....	\$17,565,056

SECTION 7.105. – To the Department of Economic Development

For the Strategy and Performance Division, provided that not more than ten

percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

Personal Service.....	\$967,654
Expense and Equipment.....	<u>205,953</u>
From General Revenue Fund (0101)	1,173,607

Expense and Equipment

From Department of Economic Development Federal Fund (0129)	100,000
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Personal Service.....	78,815
Expense and Equipment.....	<u>12,810</u>
From Job Development and Training Fund (0155)	91,625

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	59,336
Expense and Equipment.....	948,259
From Department of Economic Development Federal Stimulus - 2021 Fund (2451).....	1,007,595

For the purpose of promoting Missouri hardwood forest products and to educate the public on the value and benefit of such products. The Department may contract with any statewide association dedicated to the promotion of Missouri hardwood forest products

From General Revenue Fund (0101) (one-time)	2,000,000
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Personal Service	
From Department of Economic Development Administrative Fund (0547).....	116,245
Total (Not to exceed 15.74 F.T.E.)	\$4,489,072

SECTION 7.110. – To the Department of Economic Development

For Broadband Grants

Personal Service.....	\$59,336
Expense and Equipment.....	21,028,711
From Department of Economic Development Federal Stimulus Fund (2360)	21,088,047

Personal Service.....	28,122
Expense and Equipment.....	254,630,341
From Department of Economic Development Federal Fund (0129)	254,658,463
Total (Not to exceed 1.00 F.T.E.).....	\$275,746,510

SECTION 7.115. – To the Department of Economic Development

For Infrastructure Investment Jobs Act Smart Manufacturing Technologies

From Department of Economic Development Federal Fund (0129) (one-time).....	\$1,000,000
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SECTION 7.120. – To the Department of Economic Development

For the response to, and analysis of, the impact of Missouri's military bases on the nation's military readiness and the state's economy and advocacy of the continued presence and expansion of military installations in the state, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

Personal Service.....	\$196,986
Expense and Equipment.....	440,284
From General Revenue Fund (0101)	637,270

For the National Security Crossroads Initiative

From Department of Economic Development Federal Fund (0129)	548,757
Total (Not to exceed 1.50 F.T.E.).....	\$1,186,027

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 7.125. – To the Department of Economic Development

For the Missouri Military Community Reinvestment Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

From General Revenue Fund (0101) \$300,000

SECTION 7.130. – To the Department of Economic Development

Funds are to be transferred out of the State Treasury to the Division of Tourism Supplemental Revenue Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.155

From General Revenue Fund (0101) \$23,435,206

SECTION 7.135. – To the Department of Economic Development

For the Division of Tourism to include coordination of advertising of at least \$70,000 for the Missouri State Fair, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service..... \$1,971,218

Expense and Equipment (including \$1,900,000 one-time) 17,941,845

From Division of Tourism Supplemental Revenue Fund (0274) 19,913,063

Expense and Equipment

From Department of Economic Development Federal Stimulus -2021

Fund (2451)..... 3,000,000

For the Missouri Film Office

Expense and Equipment

From Division of Tourism Supplemental Revenue Fund (0274) 200,194

For a redevelopment authority to support the history and art form of American Jazz located within a home rule city with more than four hundred thousand inhabitants and located in more than one county

From Division of Tourism Supplemental Revenue

Fund (0274) (including \$200,000 one-time) 300,000

For a celebration held during the month of June commemorating the emancipation of black slaves in the United States, provided that fifty percent (50%) of such funds shall be disbursed for the purposes of this section no later than December 31, 2023, and further provided that the department shall provide the General Assembly with a report by December 31, 2023, of its efforts to implement the provision of this section

From Division of Tourism Supplemental Revenue Fund (0274) (one-time) 1,000,000

For a museum, located within a home rule city with more than 400,000 inhabitants and located in more than one county, with archives which highlight African-American cultural contributions and history in Missouri

From Division of Tourism Supplemental Revenue

Fund (0274) (including \$200,000 one-time) 325,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For sponsorship of events that promote Missouri tourism
 From Division of Tourism Supplemental Revenue Fund (0274)..... 1,000,000

Expense and Equipment
 From Tourism Marketing Fund (0650) 24,500
 Total (Not to exceed 31.50 F.T.E.) \$25,762,757

SECTION 7.136. – To the Department of Economic Development

For a Missouri Route 66 Centennial Commission
 From General Revenue Fund (0101) \$1,000,000

SECTION 7.137. – To the Department of Economic Development

Funds are to be transferred out of the State Treasury to the Major Economic
 Convention Event in Missouri Fund
 From General Revenue Fund (0101) \$1,000,000

SECTION 7.138. – To the Department of Economic Development

For the Meet in Missouri Act as provided in Section 620.1620, RSMo
 From Major Economic Convention Event in Missouri Fund (0593) \$1,000,000

SECTION 7.140. – To the Department of Economic Development

For the Missouri Housing Development Commission
 For general administration of affordable housing activities
 For funding housing subsidy grants or loans
 From Missouri Housing Trust Fund (0254) \$6,500,000

For the Emergency Solutions Grant Program
 From Emergency Solutions Grant Fund (0111)..... 4,130,000
 Total..... \$10,630,000

SECTION 7.143. – To the Department of Economic Development

For grants, as provided in Section, 100.263, RSMo, to fourth class cities in a
 federally approved levee district to construct public infrastructure including
 parking, roadways, lighting, utilities and sidewalks, and to remediate and
 improve soil conditions, all to support destination tourism facilities of not
 less than a capacity of 15,000 people
 From General Revenue Fund (0101) (one-time) \$20,000,000

SECTION 7.145. – To the Department of Economic Development

For the Administrative Services Division, provided that not more than ten
 percent (10%) flexibility is allowed between personal service and expense
 and equipment, and further provided that not more than three percent (3%)
 flexibility is allowed from this section to Section 7.155
 Personal Service..... \$995,091
 Annual salary adjustment in accordance with Section 105.005, RSMo..... 25,990
 Expense and Equipment..... 111,951
 From General Revenue Fund (0101) 1,133,032

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

Personal Service.....	59,805
Expense and Equipment.....	<u>1,777</u>
From Department of Economic Development - Community Development	
Block Grant (Administration) Fund (0123)	61,582
Personal Service.....	310,443
Annual salary adjustment in accordance with Section 105.005, RSMo.....	17,377
Expense and Equipment.....	194,548
For refunds	<u>12,000</u>
From Department of Economic Development Administrative Fund (0547).....	<u>534,368</u>
Total (Not to exceed 16.54 F.T.E.)	\$1,728,982

SECTION 7.150. – To the Department of Economic Development

Funds are to be transferred out of the State Treasury, for payment of administrative costs, to the Department of Economic Development Administrative Fund

From Division of Tourism Supplemental Revenue Fund (0274).....	\$162,974
From Economic Development Advancement Fund (0783).....	<u>117,695</u>
Total.....	\$280,669

SECTION 7.155. – To the Department of Economic Development

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)	\$1
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SECTION 7.400. – To the Department of Commerce and Insurance

For Administrative Services

Personal Service.....	\$231,806
Expense and Equipment.....	<u>47,392</u>
From DCI Administrative Fund (0503) (Not to exceed 3.07 F.T.E.).....	\$279,198

SECTION 7.405. – To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for administrative services, to the DCI Administrative Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.555

From General Revenue Fund (0101)	\$10,000
From Division of Credit Unions Fund (0548).....	40,000
From Division of Finance Fund (0550).....	100,000
From Insurance Dedicated Fund (0566).....	50,000
From Manufactured Housing Fund (0582)	5,000
From Public Service Commission Fund (0607).....	100,000
From Professional Registration Fees Fund (0689)	<u>200,000</u>
Total.....	\$505,000

SECTION 7.410. – To the Department of Commerce and Insurance

For Insurance Operations, including market conduct and financial examinations of insurance companies, provided that not more than ten percent (10%)

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flexibility is allowed between personal service and expense and equipment and further provided that not more than twenty percent (20%) flexibility is allowed between funds within this section

Personal Service.....	\$10,954,446
Expense and Equipment.....	1,408,083
For refunds	<u>75,000</u>
From Insurance Dedicated Fund (0566).....	12,437,529
Personal Service.....	3,710,963
Expense and Equipment.....	400,000
For refunds	<u>60,000</u>
From Insurance Examiners Fund (0552).....	4,170,963
For consumer restitution payments	
From Consumer Restitution Fund (0792).....	<u>5,000</u>
Total (Not to exceed 195.00 F.T.E.)	\$16,613,492

SECTION 7.415. – To the Department of Commerce and Insurance

For programs providing counseling on health insurance coverage and benefits to Medicare beneficiaries

From Federal - Missouri Department of Insurance Fund (0192)	\$1,650,000
From Insurance Dedicated Fund (0566).....	<u>200,000</u>
Total.....	\$1,850,000

SECTION 7.420. – To the Department of Commerce and Insurance

For the Division of Credit Unions

Personal Service.....	\$1,433,038
Expense and Equipment.....	<u>161,323</u>
From Division of Credit Unions Fund (0548) (Not to exceed 15.50 F.T.E.).....	\$1,594,361

SECTION 7.425. – To the Department of Commerce and Insurance

For the Division of Finance

Personal Service.....	\$9,881,279
Expense and Equipment.....	885,294
For Conference of State Bank Supervisors dues.....	<u>150,000</u>
From Division of Finance Fund (0550) (Not to exceed 105.15 F.T.E.).....	\$10,916,573

SECTION 7.430. – To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for the purpose of supervising state chartered savings and loan associations, to the Division of Finance Fund

From Division of Savings and Loan Supervision Fund (0549)	\$125,000
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SECTION 7.435. – To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for the purpose of administering the Residential Mortgage Licensing Law, to the Division of Finance Fund

From Residential Mortgage Licensing Fund (0261)	\$1,500,000
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Matter in bold-face type is proposed language.

SECTION 7.440. – To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, in accordance with
Section 369.324, RSMo, to the General Revenue Fund

From Division of Savings and Loan Supervision Fund (0549) \$50,000

SECTION 7.445. – To the Department of Commerce and Insurance

For general administration of the Division of Professional Registration, provided
that not more than five percent (5%) flexibility is allowed between personal
service and expense and equipment

Personal Service..... \$4,660,228

Expense and Equipment..... 1,083,299

For examination and other fees 102,000

For Real Estate Appraiser Committee Fees..... 900,000

For refunds 125,000

From Professional Registration Fees Fund (0689) (Not to exceed 90.00 F.T.E.) \$6,870,527

SECTION 7.450. – To the Department of Commerce and Insurance

For the State Board of Accountancy

Personal Service..... \$380,339

Expense and Equipment..... 250,382

From State Board of Accountancy Fund (0627) (Not to exceed 7.00 F.T.E.)..... \$630,721

SECTION 7.455. – To the Department of Commerce and Insurance

For the State Board for Architects, Professional Engineers, Professional Land

Surveyors and Professional Landscape Architects

Personal Service..... \$474,094

Expense and Equipment..... 305,807

From State Board for Architects, Professional Engineers, Professional

Land Surveyors and Professional Landscape Architects Fund

(0678) (Not to exceed 9.00 F.T.E.)..... \$779,901

SECTION 7.460. – To the Department of Commerce and Insurance

For the State Board of Chiropractic Examiners

Expense and Equipment

From State Board of Chiropractic Examiners Fund (0630) \$132,475

SECTION 7.465. – To the Department of Commerce and Insurance

For the State Board of Cosmetology and Barber Examiners

Expense and Equipment

From Board of Cosmetology and Barber Examiners Fund (0785) \$316,673

SECTION 7.470. – To the Department of Commerce and Insurance

For the Missouri Dental Board

Personal Service..... \$452,489

Expense and Equipment..... 239,420

From Dental Board Fund (0677) (Not to exceed 7.50 F.T.E.)..... \$691,909

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SECTION 7.475. – To the Department of Commerce and Insurance
 For the State Board of Embalmers and Funeral Directors
 Expense and Equipment
 From Board of Embalmers and Funeral Directors Fund (0633)..... \$165,342

SECTION 7.480. – To the Department of Commerce and Insurance
 For the State Board of Registration for the Healing Arts
 Personal Service..... \$2,406,335
 Expense and Equipment..... 754,878
 From Board of Registration for the Healing Arts Fund (0634) (Not to exceed
 44.00 F.T.E.) \$3,161,213

SECTION 7.485. – To the Department of Commerce and Insurance
 For the State Board of Nursing
 Personal Service..... \$1,592,257
 Expense and Equipment..... 579,587
 From State Board of Nursing Fund (0635)..... 2,171,844

For competitive grants to eligible institutions of higher education based on a
 process and criteria jointly determined by the State Board of Nursing and the
 Department of Higher Education and Workforce Development
 From General Revenue Fund (0101) (one-time) 5,000,000
 From State Board of Nursing Fund (0635)..... 3,000,000
 Total (Not to exceed 28.00 F.T.E.) \$10,171,844

SECTION 7.490. – To the Department of Commerce and Insurance
 For the State Board of Optometry
 Expense and Equipment
 From Optometry Fund (0636)..... \$35,419

SECTION 7.495. – To the Department of Commerce and Insurance
 For the State Board of Pharmacy
 Personal Service..... \$1,462,855
 Expense and Equipment..... 1,420,808
 For criminal history checks..... 5,000
 From Board of Pharmacy Fund (0637) (Not to exceed 16.00 F.T.E.) \$2,888,663

SECTION 7.500. – To the Department of Commerce and Insurance
 For the State Board of Podiatric Medicine
 Expense and Equipment
 From State Board of Podiatric Medicine Fund (0629)..... \$13,773

SECTION 7.505. – To the Department of Commerce and Insurance
 For the Missouri Real Estate Commission
 Personal Service..... \$1,193,188
 Expense and Equipment..... 278,623
 From Real Estate Commission Fund (0638) (Not to exceed 25.00 F.T.E.)..... \$1,471,811

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SECTION 7.510. – To the Department of Commerce and Insurance

For the Missouri Veterinary Medical Board

Expense and Equipment.....	\$59,494
For payment of fees for testing services	<u>50,000</u>
From Veterinary Medical Board Fund (0639)	\$109,494

SECTION 7.515. – To the Department of Commerce and InsuranceFunds are to be transferred out of the State Treasury, for administrative costs,
to the General Revenue Fund

From Professional Registration Board funds (Various)	\$1,461,218
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SECTION 7.520. – To the Department of Commerce and InsuranceFunds are to be transferred out of the State Treasury, for payment of
operating expenses, to the Professional Registration Fees Fund

From Professional Registration Board funds (Various)	\$9,665,697
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SECTION 7.525. – To the Department of Commerce and InsuranceFunds are to be transferred out of the State Treasury, for funding new
licensing activity pursuant to Section 324.016, RSMo, to the Professional
Registration Fees Fund

From any board funds (Various)	\$200,000
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SECTION 7.530. – To the Department of Commerce and InsuranceFunds are to be transferred out of the State Treasury, for the reimbursement
of funds loaned for new licensing activity pursuant to Section 324.016,
RSMo, to the appropriate board fund

From Professional Registration Fees Fund (0689)	\$320,000
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SECTION 7.535. – To the Department of Commerce and Insurance

For Manufactured Housing

Personal Service.....	\$475,071
Expense and Equipment.....	354,484
For Manufactured Housing programs.....	50,000
For refunds	<u>10,000</u>
From Manufactured Housing Fund (0582)	889,555

For Manufactured Housing to pay consumer claims

From Manufactured Housing Consumer Recovery Fund (0909).....	<u>192,000</u>
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Total (Not to exceed 8.00 F.T.E.).....	\$1,081,555
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SECTION 7.540. – To the Department of Commerce and InsuranceFunds are to be transferred out of the State Treasury to the Manufactured
Housing Consumer Recovery Fund

From Manufactured Housing Fund (0582)	\$192,000
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SECTION 7.545. – To the Department of Commerce and InsuranceFor the Office of the Public Counsel, provided that not more than ten percent
(10%) flexibility is allowed between personal service and expense and

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Matter in bold-face type is proposed language.

equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.555

Personal Service.....	\$1,109,815
Expense and Equipment.....	94,928
From General Revenue Fund (0101) (Not to exceed 16.00 F.T.E.).....	\$1,204,743

SECTION 7.550. – To the Department of Commerce and Insurance

For the Public Service Commission

For general administration of utility regulation activities, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$13,663,184
Annual salary adjustment in accordance with Section 105.005, RSMo.....	52,961
Expense and Equipment.....	2,311,041
For refunds	10,000
From Public Service Commission Fund (0607).....	16,037,186

For the Deaf Relay Service and Equipment Distribution Program

From Deaf Relay Service and Equipment Distribution Program Fund (0559)	2,495,886
Total (Not to exceed 192.00 F.T.E.)	\$18,533,072

SECTION 7.555. – To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)	\$1
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SECTION 7.800. – To the Department of Labor and Industrial Relations

For the Director and Staff

Personal Service.....	\$3,548,181
Annual salary adjustment in accordance with Section 105.005, RSMo.....	19,218
Expense and Equipment.....	1,397,503
From Department of Labor and Industrial Relations Administrative Fund (0122).....	4,964,902

Expense and Equipment

From Unemployment Compensation Administration Fund (0948)	1,010,000
Total (Not to exceed 51.65 F.T.E.)	\$5,974,902

SECTION 7.805. – To the Department of Labor and Industrial Relations

Funds are to be transferred out of the State Treasury, for payment of administrative costs, to the Department of Labor and Industrial Relations Administrative Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.905

From General Revenue Fund (0101)	\$405,953
From the Division of Labor Standards - Federal Fund (0186)	140,736
From Unemployment Compensation Administration Fund (0948)	3,268,218

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From Department of Labor and Industrial Relations Federal Stimulus Fund (2375).....	1,244,601
From Department of Labor and Industrial Relations Federal Stimulus - 2021 Fund (2452)	375,388
From Workers' Compensation Fund (0652)	1,524,957
From Special Employment Security Fund (0949)	88,069
Total.....	\$7,047,922

SECTION 7.810. – To the Department of Labor and Industrial Relations

Funds are to be transferred out of the State Treasury, for payment of administrative costs charged by the Office of Administration, to the Department of Labor and Industrial Relations Administrative Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.905

From General Revenue Fund (0101)	\$357,742
From the Division of Labor Standards - Federal Fund (0186)	63,775
From Unemployment Compensation Administration Fund (0948)	4,942,583
From Department of Labor and Industrial Relations Federal Stimulus Fund (2375).....	1,887,001
From Department of Labor and Industrial Relations Federal Stimulus - 2021 Fund (2452)	397,842
From Workers' Compensation Fund (0652)	1,048,277
From Special Employment Security Fund (0949)	128,804
Total.....	\$8,826,024

SECTION 7.815. – To the Department of Labor and Industrial Relations

For the Labor and Industrial Relations Commission, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.905

Personal Service.....	\$16,863
Expense and Equipment.....	868
From General Revenue Fund (0101)	17,731
Personal Service.....	531,337
Annual salary adjustment in accordance with Section 105.005, RSMo.....	15,885
Expense and Equipment.....	28,140
From Unemployment Compensation Administration Fund (0948)	575,362
Personal Service.....	575,709
Annual salary adjustment in accordance with Section 105.005, RSMo.....	15,891
Expense and Equipment.....	30,440
From Workers' Compensation Fund (0652)	622,040
Total (Not to exceed 13.59 F.T.E.)	\$1,215,133

SECTION 7.820. – To the Department of Labor and Industrial Relations

For the Division of Labor Standards

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Matter in bold-face type is proposed language.

For Administration, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.905

Personal Service.....	\$70,217
Expense and Equipment.....	17,086
From General Revenue Fund (0101)	87,303
Personal Service.....	99,743
Expense and Equipment.....	43,000
From the Division of Labor Standards - Federal Fund (0186)	142,743
Personal Service.....	131,036
Expense and Equipment.....	10,330
From Workers' Compensation Fund (0652)	141,366

For the Child Labor Program, provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and Minimum Wage Program, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.905

Personal Service	
From General Revenue Fund (0101)	65,332
Expense and Equipment	
From Child Labor Enforcement Fund (0826)	79,903

For the Prevailing Wage Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and Minimum Wage Program, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.905

Personal Service.....	128,836
Expense and Equipment.....	751
From General Revenue Fund (0101)	129,587

For the Minimum Wage Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and Minimum Wage Program, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.905

Personal Service.....	169,129
Expense and Equipment.....	10,202
From General Revenue Fund (0101)	179,331
Total (Not to exceed 12.49 F.T.E.)	\$825,565

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SECTION 7.825. – To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For safety and health programs

Personal Service.....	\$885,803
Expense and Equipment.....	<u>266,055</u>
From the Division of Labor Standards - Federal Fund (0186)	1,151,858
Personal Service.....	153,320
Expense and Equipment.....	<u>39,542</u>
From Workers' Compensation Fund (0652)	<u>192,862</u>
Total (Not to exceed 17.00 F.T.E.)	\$1,344,720

SECTION 7.830. – To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For mine safety and health training programs

Personal Service.....	\$227,922
Expense and Equipment.....	<u>137,429</u>
From the Division of Labor Standards - Federal Fund (0186)	365,351
Personal Service.....	97,238
Expense and Equipment.....	<u>12,164</u>
From Workers' Compensation Fund (0652)	109,402

For the Mine and Cave Inspection Program provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.905

Personal Service.....	131,105
Expense and Equipment.....	<u>15,083</u>
From General Revenue Fund (0101)	146,188
Personal Service.....	55,288
Expense and Equipment.....	<u>18,000</u>
From State Mine Inspection Fund (0973).....	<u>73,288</u>
Total (Not to exceed 7.23 F.T.E.).....	\$694,229

SECTION 7.835. – To the Department of Labor and Industrial Relations

For the State Board of Mediation provided that not more than ten percent (10%)

flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.905

Personal Service.....	\$147,203
Expense and Equipment.....	<u>15,138</u>
From General Revenue Fund (0101) (Not to exceed 2.00 F.T.E.)	\$162,341

SECTION 7.840. – To the Department of Labor and Industrial Relations

For the Division of Workers' Compensation

For the purpose of funding Administration

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Matter in bold-face type is proposed language.

Personal Service.....	\$9,149,966
Annual salary adjustment in accordance with Section 105.005, RSMo.....	329,700
Expense and Equipment.....	<u>1,382,331</u>
From Workers' Compensation Fund (0652)	10,861,997
Expense and Equipment	
From Tort Victims' Compensation Fund (0622)	<u>4,836</u>
Total (Not to exceed 139.25 F.T.E.)	\$10,866,833

SECTION 7.845. – To the Department of Labor and Industrial Relations

For the Division of Workers' Compensation

For payment of special claims

From Workers' Compensation - Second Injury Fund (0653)\$90,060,833

SECTION 7.850. – To the Department of Labor and Industrial Relations

For the Division of Workers' Compensation

For refunds for overpayment of any tax or any payment credited to the Workers'

Compensation - Second Injury Fund

From Workers' Compensation - Second Injury Fund (0653)\$500,000

SECTION 7.855. – To the Department of Labor and Industrial Relations

Funds are to be transferred out of the State Treasury to the Line of Duty

Compensation Fund, provided that not more than three percent (3%)

flexibility is allowed from this section to Section 7.905

From General Revenue Fund (0101)\$600,000

SECTION 7.860. – To the Department of Labor and Industrial Relations

For the Line of Duty Compensation Program as provided in Section 287.243,

RSMo

From Line of Duty Compensation Fund (0939)\$600,000

SECTION 7.865. – To the Department of Labor and Industrial Relations

For the Division of Workers' Compensation

For payments of claims to tort victims

From Tort Victims' Compensation Fund (0622)\$150,000,000

SECTION 7.870. – To the Department of Labor and Industrial Relations

Funds are to be transferred out of the State Treasury, pursuant to Section

537.675, RSMo, to the Basic Civil Legal Services Fund

From Tort Victims' Compensation Fund (0622)\$1,300,000

SECTION 7.875. – To the Department of Labor and Industrial Relations

For the Division of Employment Security, provided that not more than

twenty-five percent (25%) flexibility is allowed between personal service

and expense and equipment

Personal Service.....\$25,328,476

Expense and Equipment.....7,809,521

From Unemployment Compensation Administration Fund (0948)33,137,997

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Personal Service.....	25,718,056
Expense and Equipment.....	<u>9,600,846</u>
From Department of Labor and Industrial Relations Federal Stimulus Fund (2375).....	35,318,902
Personal Service.....	4,216,991
Expense and Equipment.....	<u>5,449,216</u>
From Department of Labor and Industrial Relations Federal Stimulus Fund - 2021 (2452).....	9,666,207
Personal Service.....	510,935
Expense and Equipment.....	<u>16,143</u>
From Unemployment Automation Fund (0953).....	527,078
For information technology hardware, software, and/or system enhancements and improvements	
Personal Service.....	2,296,470
Expense and Equipment.....	<u>11,000,000</u>
From Unemployment Compensation Administration Fund (0948)	<u>13,296,470</u>
Total (Not to exceed 504.72 F.T.E.)	\$91,946,654

SECTION 7.880. – To the Department of Labor and Industrial Relations

For the Division of Employment Security

For administration of programs authorized and funded by the United States
Department of Labor, such as Disaster Unemployment Assistance (DUA),
and provided that all funds shall be expended from discrete accounts and that
no monies shall be expended for funding administration of these programs
by the Division of Employment Security

From Unemployment Compensation Administration Fund (0948)\$11,000,000

SECTION 7.885. – To the Department of Labor and Industrial Relations

For the Division of Employment Security

Personal Service.....\$700,089
Expense and Equipment.....6,498,000

From Special Employment Security Fund (0949) (Not to exceed 15.00 F.T.E.)\$7,198,089

SECTION 7.890. – To the Department of Labor and Industrial Relations

For the Division of Employment Security

For the War on Terror Unemployment Compensation Program

Expense and Equipment.....\$5,000

For payment of benefits35,000

From War on Terror Unemployment Compensation Fund (0736)\$40,000

SECTION 7.895. – To the Department of Labor and Industrial Relations

For the Division of Employment Security

For the payment of refunds set off against debts as required by Section 143.786,
RSMo

From Debt Offset Escrow Fund (0753).....\$10,000,000

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SECTION 7.900. – To the Department of Labor and Industrial Relations

For the Missouri Commission on Human Rights, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.905

Personal Service.....	\$648,365
Expense and Equipment.....	<u>16,379</u>
From General Revenue Fund (0101).....	664,744
Personal Service.....	852,085
Expense and Equipment.....	<u>104,024</u>
From Department of Labor and Industrial Relations - Commission on Human Rights - Federal Fund (0117)	956,109

For the Martin Luther King, Jr. State Celebration Commission, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.905

From General Revenue Fund (0101).....	55,300
From Martin Luther King, Jr. State Celebration Commission Fund (0438).....	<u>5,000</u>
Total (Not to exceed 25.70 F.T.E.)	\$1,681,153

SECTION 7.905. – To the Department of Labor and Industrial Relations

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)	\$1
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PART 2**SECTION 7.950.** – To the Department of Economic Development, Department of

Commerce and Insurance, and Department of Labor and Industrial Relations

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

Department of Economic Development Totals

General Revenue Fund.....	\$216,466,560
Federal Funds.....	591,854,254
Other Funds.....	<u>41,771,615</u>
Total.....	\$850,092,429

Department of Commerce and Insurance Totals

General Revenue Fund.....	\$6,214,744
Federal Funds.....	1,650,000
Other Funds.....	<u>71,378,016</u>
Total.....	\$79,242,760

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Matter in bold-face type is proposed language.

Department of Labor & Industrial Relations Totals

General Revenue Fund.....	\$2,871,553
Federal Funds.....	118,941,143
Other Funds.....	262,706,801
Total.....	\$384,519,497

Approved June 30, 2023

CCS SS SCS HCS HB 8

**Appropriates money for the expenses, grants, refunds, and distributions of the
Department of Public Safety and the Department of National Guard**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and Department of National Guard and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

PART 1

SECTION 8.000.— Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Public Safety in implementing the appropriations found in Part 1 and Part 2 of this act. An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an

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Matter in bold-face type is proposed language.

appropriation identified as “one-time” in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

***SECTION 8.005.** – To the Department of Public Safety

For the Office of the Director, provided three percent (3%) flexibility is allowed from this section to Section 8.285

Personal Service.....	\$2,628,749
Annual Salary adjustment in accordance with Section 105.005, RSMo	27,686
Expense and Equipment (including \$231,893 in one-time)	567,079
Program Distribution (one-time)	<u>2,500,000</u>
From General Revenue Fund (0101)	5,723,514
Personal Service.....	399,493
Expense and Equipment.....	<u>420,155</u>
From Department of Public Safety Federal Fund (0152)	819,648
Personal Service.....	434,338
Annual salary adjustment in accordance with Section 105.005, RSMo.....	380
Expense and Equipment.....	<u>1,163,031</u>
From Justice Assistance Grant Program Fund (0782)	1,597,749
Personal Service.....	
From State Highways and Transportation Department Fund (0644)	78,412
Personal Service.....	90,087
Expense and Equipment.....	<u>10,131</u>
From Services to Victims Fund (0592).....	100,218
Personal Service.....	641,994
Annual Salary adjustment in accordance with Section 105.005, RSMo	726
Expense and Equipment.....	<u>1,453,841</u>
From Crime Victims' Compensation Fund (0681)	2,096,561
Expense and Equipment.....	
From Missouri Crime Prevention Information and Programming Fund (0253)	1,000
Expense and Equipment.....	
From Antiterrorism Fund (0759).....	15,000
Personal Service.....	1,576,476
Expense and Equipment (including \$5,840 in one-time)	<u>18,006,211</u>
From Department of Public Safety Federal Homeland Security Fund (0193)	19,582,687
Personal Service.....	109,923
Expense and Equipment.....	<u>813,000</u>
From MODEX Fund (0867).....	922,923

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies, provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds

Personal Service.....	54,759
Expense and Equipment.....	<u>12,855,000</u>
From Department of Public Safety Federal Fund (0152).....	12,909,759

For drug task force grants, provided three percent (3%) be allowed for grant administration

Personal Service.....	71,732
Expense and Equipment.....	1,850,772
Program Distribution.....	<u>1,250,000</u>
From General Revenue Fund (0101).....	3,172,504

For scholarships for individuals to attend law enforcement academies

From General Revenue Fund (0101).....	2,000,000
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For Coronavirus Emergency Supplemental Fund (CESF) grants, provided no more than ten percent (10%) is allowed for administrative costs

Personal Service.....	790,139
Expense and Equipment.....	<u>10,758,773</u>
From Coronavirus Emergency Supplemental Fund (0179).....	11,548,912

Funds are to be transferred out of the State Treasury to the 988 Public Safety Fund

From General Revenue Fund (0101).....	552,955
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For the purpose of providing services for peace officers and first responders to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event

Personal Service.....	50,723
Expense and Equipment.....	<u>503,511</u>
From 988 Public Safety Fund (0864).....	554,234

Funds are to be transferred out of the State Treasury to the Economic Distress Zone Fund

From General Revenue Fund (0101).....	552,955
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For the purpose of providing funding to organizations registered with the IRS as a 501(c)(3) corporation that provide services to residents of the state in areas of high incidents of crime and deteriorating infrastructure for the purpose of deterring criminal behavior in such area

Personal Service.....	50,723
Expense and Equipment.....	<u>503,511</u>
From Economic Distress Zone Fund (0816).....	554,234

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For the establishment and enhancement of local violent crime prevention programs in Missouri communities and improving the quality of crime data reporting in compliance with the National Incident-Based Reporting System From General Revenue Fund (0101)	500,000
For a school safety program for all school districts statewide that speaks directly to 911 services and on/off duty officers through the law enforcement alert system From General Revenue Fund (0101)	1,900,000
For a statewide, competitively bid school safety program From Budget Stabilization Fund (0522)	2,500,000
For grants to increase access to standardized water safety education and swim lessons for underserved populations provided by a community based nonprofit From Budget Stabilization Fund (0522)	300,000
For the purchase of equipment for a police department located in any city with more than one thousand three hundred but fewer than one thousand five hundred inhabitants and located in a county with more than seven hundred thousand but fewer than eight hundred thousand inhabitants From General Revenue Fund (0101) (one-time)	8,000
For a nonprofit organization located in any city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants to help reduce the incident of violent crime and strengthen police services by researching and analyzing the best practices to help reduce violent crime From Budget Stabilization Fund (0522) (one-time)	500,000
For a communication platform for active duty National Guardsmen, first responders, and veterans to receive direct access to chaplains and provide suicide prevention information and resources From General Revenue Fund (0101)	500,000
Total (Not to exceed 87.05 F.T.E.)	\$68,991,265

*I hereby veto \$2,500,000 general revenue for the Missouri Sheriff's Retirement System. While I am supportive of local law enforcement, this item would duplicate the funding for this purpose within House Bill 5.

For the Office of the Director.

Program Distribution by \$2,500,000 from \$2,500,000 to \$0 from General Revenue Fund.

From \$5,723,514 to \$3,223,514 in total from General Revenue Fund.

I hereby veto \$8,000 general revenue for the purchase of equipment for the Lone Jack Police Department. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing

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Matter in bold-face type is proposed language.

general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I am supportive of law enforcement officers and have made budget recommendations supporting law enforcement, first responders, and other emergency personnel in this budget and in previous budgets, this item is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

For the purchase of equipment for a police department.
From \$8,000 to \$0 from General Revenue Fund.

I hereby veto \$500,000 Budget Stabilization Fund for a nonprofit organization in St. Joseph to help reduce the incident of violent crime and strengthen police services by researching and analyzing the best practices to help reduce violent crime. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

For a nonprofit organization located in any city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants to help reduce the incident of violent crime and strengthen police services by researching and analyzing the best practices to help reduce violent crime.
From \$500,000 to \$0 from Budget Stabilization Fund.

I hereby veto \$500,000 general revenue for a communication platform for active duty National Guardsmen, first responders and veterans to receive direct access to chaplains and provide suicide prevention information and resources. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the Fiscal Year 2024 budget invests over \$35 million in 988 mental health hotline infrastructure to assist citizens statewide experiencing a mental health emergency, including a specific line for veterans where the qualified responders are trained to support veterans. The General Assembly also included \$1 million to market the 988 program for which my administration will use to target national guardsmen, veterans, first responders, and members of our armed forces. Further, the National Guard also has an existing phone application which includes a suicide hotline component. This program would be duplicative of those investments.

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Matter in bold-face type is proposed language.

For a communication platform for National Guardsmen, first responders, and veterans.
From \$500,000 to \$0 from General Revenue Fund.

From \$68,991,265 to \$65,483,265 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.006. – To the Department of Public Safety

For a minority police officer recruitment and retention program located in a city
not within a county with such program being administered and overseen by
an African-American police officer association that supports efforts in
reducing crime in a city not in a county and county with more than one
million inhabitants

From General Revenue (0101) (one-time) \$150,000

***SECTION 8.007.** – To the Department of Public Safety

For planning, design, and construction of a new Troop A Headquarters and
related facilities

From State Highways and Transportation Department Fund (0644) (one-time) \$6,727,827

*I hereby veto \$2,727,827 State Highways and Transportation Department Fund for planning, design, and construction of a new Troop A Headquarters and related facilities. While I am supportive of law enforcement officers and have made budget recommendations supporting law enforcement, first responders, and other emergency personnel in this budget and in previous budgets, this item cannot be approved in full as the cost of the project is significantly higher than the appropriated amount. These cost increases should not be borne solely by the state. With this veto, the state will still be funding the majority of the cost increase.

From \$6,727,827 to \$4,000,000 from State Highways and Transportation Department Fund.
From \$6,727,827 to \$4,000,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.010. – To the Department of Public Safety

For the Office of the Director

For the Juvenile Justice Delinquency Prevention Program

From Department of Public Safety Federal Fund (0152) \$1,022,492

SECTION 8.015. – To the Department of Public Safety

For the Office of the Director

For the Narcotics Control Assistance Program and multi-jurisdictional task
forces

From Justice Assistance Grant Program Fund (0782) \$4,490,000

SECTION 8.020. – To the Department of Public Safety

For the Office of the Director

For the Missouri Sheriff Methamphetamine Relief Taskforce

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For supplementing deputy sheriffs' salary and related employment benefits
pursuant to Section 57.278, RSMo
From Deputy Sheriff Salary Supplementation Fund (0913).....\$7,200,000

SECTION 8.025. – To the Department of Public Safety

For the Office of the Director

For operating grants to local law enforcement cyber crimes task forces, provided
three percent (3%) is allowed for grant administration and three percent (3%)
flexibility is allowed from this section to Section 8.285

Personal Service.....\$61,034

Expense and Equipment.....2,448,538

From General Revenue Fund (0101)\$2,509,572

SECTION 8.030. – To the Department of Public Safety

For the Office of the Director

To provide financial assistance to the spouses, children, and other
dependents of any local law enforcement officers, paramedics, emergency
medical technicians, corrections officers, and/or firefighters who have lost
their lives performing their duties. Deaths from natural causes, illnesses, or
injuries are outside the program's scope, provided three percent (3%)
flexibility is allowed from this section to Section 8.285

From General Revenue Fund (0101)\$70,000

SECTION 8.035. – To the Department of Public Safety

For the Office of the Director

For the Services to Victims Program, provided three percent (3%) of each grant
award be allowed for the administrative expenses of each grantee

From Services to Victims Fund (0592).....\$2,000,000

SECTION 8.040. – To the Department of Public Safety

For the Office of the Director

For the Violence Against Women Program

From Department of Public Safety Federal Fund (0152).....\$3,294,327

SECTION 8.045. – To the Department of Public Safety

For the Office of the Director, provided three percent (3%) flexibility is allowed
from this section to Section 8.285

For the Crime Victims' Compensation Program

From General Revenue Fund (0101)\$2,900,000

From Department of Labor and Industrial Relations - Crime Victims -

Federal Fund (0191)4,500,000

From Crime Victims' Compensation Fund (0681)4,837,329

Personal Service.....72,289

Expense and Equipment.....160,000

From Department of Labor and Industrial Relations - Crime Victims -

Federal Fund (0191)232,289

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For reimbursing SAFE-Care providers for performing forensic medical exams on children suspected of having been physically abused	
Personal Service.....	37,711
Expense and Equipment.....	1,222,000
From General Revenue Fund (0101)	1,259,711
Total (Not to exceed 1.00 F.T.E.).....	\$13,729,329

SECTION 8.050. – To the Department of Public Safety

For the Office of the Director

Funds are to be transferred out of the State Treasury to the Pretrial Witness

Protection Services Fund

From General Revenue Fund (0101) \$1,000,000

SECTION 8.055. – To the Department of Public Safety

For the Office of the Director

For witness protection services

From Pretrial Witness Protection Services Fund (0868) \$2,000,000

SECTION 8.060. – To the Department of Public Safety

For the National Forensic Sciences Improvement Act Program

From Department of Public Safety Federal Fund (0152) \$350,000

SECTION 8.065. – To the Department of Public Safety

For the State Forensic Laboratory Program

From State Forensic Laboratory Fund (0591) \$360,000

SECTION 8.070. – To the Department of Public Safety

For the Office of the Director

For the Residential Substance Abuse Treatment Program

From Department of Public Safety Federal Fund (0152) \$742,000

SECTION 8.075. – To the Department of Public Safety

For the Office of the Director

For peace officer training

From Peace Officer Standards and Training Commission Fund (0281) \$950,000

SECTION 8.080. – To the Department of Public Safety

For the Office of the Director

For body worn cameras and related data storage for the Missouri State Highway

Patrol and Capitol Police

Expense and Equipment

From General Revenue Fund (0101) \$277,031

From Water Patrol Division Fund (0400) 120,051

From State Highways and Transportation Department Fund (0644) 1,080,460

Total \$1,477,542

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 8.085.** – To the Department of Public Safety

For the Capitol Police, provided five percent (5%) flexibility is allowed between personal service and expense and equipment and further provided three percent (3%) flexibility is allowed from this section to Section 8.285

Personal Service.....	\$2,555,002
Expense and Equipment.....	<u>164,893</u>
From General Revenue Fund (0101) (Not to exceed 46.00 F.T.E.)	\$2,719,895

*I hereby veto \$26,628 general revenue for salary increases for the Capitol Police. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I support the General Assembly's efforts to address recruitment and retention of law enforcement officers, our research indicates that a more targeted approach is needed. Therefore, I am vetoing down this item to provide a \$4,000 across-the-board increase for officers, a \$2,500 increase after seven years of service for officers, as well as targeted increases for identified positions. These increases are on top of the statewide 8.7% increase that went into effect March 1, 2023. This approach will enable us to offer competitive pay for our law enforcement officers while maintaining a sustainable budget.

Personal Service by \$26,628 from \$2,555,002 to \$2,528,374 from General Revenue Fund.

From \$2,719,895 to \$2,693,267 in total from General Revenue Fund.

From \$2,719,895 to \$2,693,267 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 8.090.** – To the Department of Public Safety

For the State Highway Patrol

For Administration, provided three percent (3%) flexibility is allowed from this section to Section 8.285

Personal Service.....	\$369,516
Expense and Equipment.....	<u>25,505</u>
From General Revenue Fund (0101)	395,021

Personal Service.....	9,647,629
Expense and Equipment.....	<u>623,055</u>
From State Highways and Transportation Department Fund (0644)	10,270,684

Personal Service.....	43,512
Expense and Equipment.....	<u>26,946</u>
From Gaming Commission Fund (0286)	70,458

Personal Service.....	4,705
Expense and Equipment.....	<u>13,980</u>
From Water Patrol Division Fund (0400).....	18,685

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the High-Intensity Drug Trafficking Area Program
 From Department of Public Safety Federal Fund (0152)..... 2,598,000
 Total (Not to exceed 126.00 F.T.E.)\$13,352,848

*I hereby veto \$331,255, including \$11,828 general revenue, for salary increases for the Highway Patrol. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I support the General Assembly's efforts to address recruitment and retention of law enforcement officers, our research indicates that a more targeted approach is needed. Therefore, I am vetoing down this item to provide a \$4,000 increase for troopers, troopers first class, corporals and sergeants; a \$2,500 increase after seven years of service for uniformed members; as well as targeted increases for identified non-uniformed positions. These increases are on top of the statewide 8.7% increase that went into effect March 1, 2023. This approach will enable us to offer competitive pay for our law enforcement officers while maintaining a sustainable budget.

For Administration.

Personal Service by \$11,828 from \$369,516 to \$357,688 from General Revenue Fund.

From \$395,021 to \$383,193 in total from General Revenue Fund.

Personal Service by \$319,427 from \$9,647,629 to \$9,328,202 from State Highways and Transportation Department Fund.

From \$10,270,684 to \$9,951,257 in total from State Highways and Transportation Department Fund.

From \$13,352,848 to \$13,021,593 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 8.095.** – To the Department of Public Safety

For the State Highway Patrol

For fringe benefits, including retirement contributions for members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, and insurance premiums, provided three percent (3%) flexibility is allowed from this section to Section 8.285

Personal Service.....	\$18,776,324
Expense and Equipment.....	<u>1,461,287</u>
From General Revenue Fund (0101)	20,237,611
Personal Service.....	4,635,397
Expense and Equipment.....	<u>235,910</u>
From Department of Public Safety Federal Fund (0152).....	4,871,307
Personal Service.....	179,767
Expense and Equipment.....	<u>461,048</u>
From Gaming Commission Fund (0286)	640,815

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 Matter in bold-face type is proposed language.

Personal Service.....	1,747,093
Expense and Equipment.....	<u>140,158</u>
From Water Patrol Division Fund (0400)	1,887,251
Personal Service.....	107,850,863
Expense and Equipment.....	<u>8,533,184</u>
From State Highways and Transportation Department Fund (0644)	116,384,047
Personal Service.....	4,214,902
Expense and Equipment.....	<u>316,594</u>
From Criminal Record System Fund (0671)	4,531,496
Personal Service.....	121,055
Expense and Equipment.....	<u>12,871</u>
From Highway Patrol Academy Fund (0674)	133,926
Personal Service.....	5,586
Expense and Equipment.....	<u>883</u>
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695)	6,469
Personal Service.....	78,012
Expense and Equipment.....	<u>6,871</u>
From DNA Profiling Analysis Fund (0772)	84,883
Personal Service.....	87,725
Expense and Equipment.....	<u>6,347</u>
From Highway Patrol Traffic Records Fund (0758)	94,072
Personal Service.....	89,411
Expense and Equipment.....	<u>9,653</u>
From Highway Patrol Inspection Fund (0297)	99,064
Total.....	<u>\$148,970,941</u>

*I hereby veto \$4,172,393, including \$146,521 general revenue, for fringe benefit increases for the Highway Patrol. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this funding is being adjusted to match the pay increase for the Missouri State Highway Patrol.

Personal Service by \$146,521 from \$18,776,324 to \$18,629,803 from General Revenue Fund.
 From \$20,237,611 to \$20,091,090 in total from General Revenue Fund.
 Personal Service by \$23,978 from \$4,635,397 to \$4,611,419 from Department of Public Safety Federal Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

From \$4,871,307 to \$4,847,329 in total from Department of Public Safety Federal Fund.
 Personal Service by \$19,184 from \$1,747,093 to \$1,727,909 from Water Patrol Division Fund.
 From \$1,887,251 to \$1,868,067 in total from Water Patrol Division Fund.
 Personal Service by \$3,976,961 from \$107,850,863 to \$103,873,902 from State Highways and Transportation Department Fund.
 From \$116,384,047 to \$112,407,086 in total from State Highways and Transportation Department Fund.
 Personal Service by \$5,749 from \$4,214,902 to \$4,209,153 from Criminal Record System Fund.
 From \$4,531,496 to \$4,525,747 in total from Criminal Record System Fund.
 From \$148,970,941 to \$144,798,548 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 8.100.** – To the Department of Public Safety

For the State Highway Patrol

For the Enforcement Program, provided three percent (3%) flexibility is allowed
 from this section to Section 8.285

Personal Service.....	\$15,404,585
Expense and Equipment.....	<u>2,442,087</u>

From General Revenue Fund (0101)	17,846,672
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Personal Service.....	100,014,289
Expense and Equipment.....	<u>7,102,938</u>

From State Highways and Transportation Department Fund (0644)	107,117,227
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Expense and Equipment, all expenditures must be in compliance with the
 United States Department of Justice Equitable Sharing Program guidelines

From Federal Drug Seizure Fund (0194)	400,000
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Personal Service

From Criminal Record System Fund (0671).....	18,431
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Expense and Equipment

From Gaming Commission Fund (0286)	464,828
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Personal Service.....	9,696
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Expense and Equipment.....	<u>457,510</u>
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From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving

Fund (0695).....	467,206
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Expense and Equipment

From Highway Patrol Traffic Records Fund (0758)	245,242
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Personal Service

From Water Patrol Division Fund (0400).....	243,310
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For the Governor's Security Detail

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) (Not to exceed 14.00 F.T.E.)	1,217,273
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 Matter in bold-face type is proposed language.

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies, provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds	
Personal Service.....	6,336,173
Expense and Equipment.....	<u>5,855,340</u>
From Department of Public Safety Federal Fund (0152).....	12,191,513
For a statewide interoperable communication system	
Expense and Equipment (including \$200,000 in one-time)	
From State Highways and Transportation Department Fund (0644).....	9,912,926
For the purchase of a single engine airplane and for no other purpose whatsoever	
Highway Patrol's Motor Vehicle, Aircraft, and Watercraft	
Revolving Fund (0695) (one-time).....	<u>4,000,000</u>
Total (Not to exceed 1,309.00 F.T.E.)	\$154,124,628

*I hereby veto \$4,782,802, including \$218,634 general revenue, for salary increases for the Highway Patrol. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I support the General Assembly's efforts to address recruitment and retention of law enforcement officers, our research indicates that a more targeted approach is needed. Therefore, I am vetoing down this item to provide a \$4,000 increase for troopers, troopers first class, corporals and sergeants; a \$2,500 increase after seven years of service for uniformed members; as well as targeted increases for identified non-uniformed positions. These increases are on top of the statewide 8.7% increase that went into effect March 1, 2023. This approach will enable us to offer competitive pay for our law enforcement officers while maintaining a sustainable budget.

For the Enforcement Program.

Personal Service by \$198,610 from \$15,404,585 to \$15,205,975 from General Revenue Fund.

From \$17,846,672 to \$17,648,062 in total from General Revenue Fund.

Personal Service by \$4,550,906 from \$100,014,289 to \$95,463,383 from State Highways and Transportation Department Fund.

From \$107,117,227 to \$102,566,321 in total from State Highways and Transportation Department Fund.

Personal Service by \$11,953 from \$243,310 to \$231,357 from Water Patrol Division Fund.

From \$243,310 to \$231,357 in total from Water Patrol Division Fund.

For the Governor's Security Detail.

Personal Service and/or Expense and Equipment by \$20,024 from \$1,217,273 to \$1,197,249 from General Revenue Fund.

From \$1,217,273 to \$1,197,249 in total from General Revenue Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For receiving and expending grants, donations, contracts, and payments.

Personal Service by \$1,309 from \$6,336,173 to \$6,334,864 from Department of Public Safety Federal Fund.

From \$12,191,513 to \$12,190,204 in total from Department of Public Safety Federal Fund.

From \$154,124,628 to \$149,341,826 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 8.105.** – To the Department of Public Safety

For the State Highway Patrol

For the Water Patrol Division, provided three percent (3%) flexibility is allowed
from this section to Section 8.285

Personal Service.....	\$4,817,614
Expense and Equipment.....	284,764
From General Revenue Fund (0101)	5,102,378

Personal Service.....	363,130
Expense and Equipment (including \$1,224,744 in one-time)	3,450,734
From Department of Public Safety Federal Fund (0152).....	3,813,864

Expense and Equipment, all expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines	
From Federal Drug Seizure Fund (0194)	16,499

For the Water Patrol Division

Personal Service.....	2,288,339
Expense and Equipment (including \$232,140 in one-time)	1,813,727
From Water Patrol Division Fund (0400).....	4,102,066
Total (Not to exceed 79.00 F.T.E.)	\$13,034,807

*I hereby veto \$27,135, including \$5,606 general revenue, for salary increases for the Highway Patrol. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I support the General Assembly's efforts to address recruitment and retention of law enforcement officers, our research indicates that a more targeted approach is needed. Therefore, I am vetoing down this item to provide a \$4,000 increase for troopers, troopers first class, corporals and sergeants; a \$2,500 increase after seven years of service for uniformed members; as well as targeted increases for identified non-uniformed positions. These increases are on top of the statewide 8.7% increase that went into effect March 1, 2023. This approach will enable us to offer competitive pay for our law enforcement officers while maintaining a sustainable budget.

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Personal Service by \$5,606 from \$4,817,614 to \$4,812,008 from General Revenue Fund.

From \$5,102,378 to \$5,096,772 in total from General Revenue Fund.

Personal Service by \$576 from \$363,130 to \$362,554 from Department of Public Safety Federal Fund.

From \$3,813,864 to \$3,813,288 in total from Department of Public Safety Federal Fund.

Personal Service by \$20,953 from \$2,288,339 to \$2,267,386 from Water Patrol Division Fund.

From \$4,102,066 to \$4,081,113 in total from Water Patrol Division Fund.

From \$13,034,807 to \$13,007,672 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.110. – To the Department of Public Safety

For the State Highway Patrol

For gasoline expenses for State Highway Patrol vehicles, including aircraft and Gaming Commission vehicles, provided three percent (3%) flexibility is allowed from this section to Section 8.285

Expense and Equipment

From General Revenue Fund (0101)	\$733,516
From Gaming Commission Fund (0286)	1,029,089
From State Highways and Transportation Department Fund (0644)	<u>7,027,500</u>
Total.....	\$8,790,105

SECTION 8.115. – To the Department of Public Safety

For the State Highway Patrol

For purchase of vehicles, aircraft, and watercraft for the State Highway Patrol and the Gaming Commission in accordance with Section 43.265, RSMo, also for maintenance and repair costs for vehicles, provided three percent (3%) flexibility is allowed from this section to Section 8.285

Expense and Equipment

From General Revenue Fund (0101) (including \$114,540 in one-time).....	\$446,489
From State Highways and Transportation Department Fund (0644)	
(including \$394,540 in one-time)	6,717,615
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving	
Fund (0695) (including \$2,060,000 in one-time)	11,773,448
From Gaming Commission Fund (0286)	<u>549,074</u>
Total.....	\$19,486,626

SECTION 8.120. – To the Department of Public Safety

For the State Highway Patrol

For Crime Labs, provided three percent (3%) flexibility is allowed from this section to Section 8.285

Personal Service.....

Expense and Equipment (including \$10,192 in one-time)

From General Revenue Fund (0101)	\$3,543,660
	<u>851,834</u>
	4,395,494

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Personal Service.....	4,974,864
Expense and Equipment.....	1,297,802
From State Highways and Transportation Department Fund (0644)	6,272,666
Personal Service.....	80,190
Expense and Equipment.....	1,478,305
From DNA Profiling Analysis Fund (0772)	1,558,495
Personal Service.....	284,212
Expense and Equipment.....	900,040
From Department of Public Safety Federal Fund (0152).....	1,184,252
Personal Service.....	424,185
Expense and Equipment.....	2,575
From Criminal Record System Fund (0671).....	426,760
Expense and Equipment	
From State Forensic Laboratory Fund (0591).....	357,633
Total (Not to exceed 126.00 F.T.E.)	\$14,195,300
*SECTION 8.125. – To the Department of Public Safety	
For the State Highway Patrol	
For the Law Enforcement Academy, provided three percent (3%) flexibility is allowed from this section to Section 8.285	
Personal Service	
From General Revenue Fund (0101)	\$202,850
Expense and Equipment	
From Department of Public Safety Federal Fund (0152).....	59,687
Expense and Equipment	
From Gaming Commission Fund (0286)	69,440
Personal Service.....	2,075,200
Expense and Equipment (including \$430,288 in one-time)	503,864
From State Highways and Transportation Department Fund (0644)	2,579,064
Personal Service.....	140,114
Expense and Equipment.....	581,717
From Highway Patrol Academy Fund (0674)	721,831
Total (Not to exceed 37.00 F.T.E.)	\$3,632,872

*I hereby veto \$34,617, including \$7,875 general revenue, for salary increases for the Highway Patrol. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this

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provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I support the General Assembly's efforts to address recruitment and retention of law enforcement officers, our research indicates that a more targeted approach is needed. Therefore, I am vetoing down this item to provide a \$4,000 increase for troopers, troopers first class, corporals and sergeants; a \$2,500 increase after seven years of service for uniformed members; as well as targeted increases for identified non-uniformed positions. These increases are on top of the statewide 8.7% increase that went into effect March 1, 2023. This approach will enable us to offer competitive pay for our law enforcement officers while maintaining a sustainable budget.

Personal Service by \$7,875 from \$202,850 to \$194,975 from General Revenue Fund.

From \$202,850 to \$194,975 in total from General Revenue Fund.

Personal Service by \$26,742 from \$2,075,200 to \$2,048,458 from State Highways and Transportation Department Fund.

From \$2,579,064 to \$2,552,322 in total from State Highways and Transportation Department Fund.

From \$3,632,872 to \$3,598,255 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 8.130.** – To the Department of Public Safety

For the State Highway Patrol

For Vehicle and Driver Safety

Expense and Equipment

From Department of Public Safety Federal Fund (0152)..... \$350,000

Personal Service..... 14,831,796

Expense and Equipment..... 1,092,828

From State Highways and Transportation Department Fund (0644)..... 15,924,624

Personal Service..... 155,150

Expense and Equipment..... 360,632

From Highway Patrol Inspection Fund (0297) 515,782

Total (Not to exceed 299.00 F.T.E.)\$16,790,406

*I hereby veto \$607,650 State Highways and Transportation Department Fund for salary increases for the Highway Patrol. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I support the General Assembly's efforts to address recruitment and retention of law enforcement officers, our research indicates that a more targeted approach is needed. Therefore, I am vetoing down this item to provide a \$4,000 increase for troopers, troopers first class, corporals and sergeants; a \$2,500 increase after seven years of

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service for uniformed members; as well as targeted increases for identified non-uniformed positions. These increases are on top of the statewide 8.7% increase that went into effect March 1, 2023. This approach will enable us to offer competitive pay for our law enforcement officers while maintaining a sustainable budget.

Personal Service by \$607,650 from \$14,831,796 to \$14,224,146 from State Highways and Transportation Department Fund.

From \$15,924,624 to \$15,316,974 in total from State Highways and Transportation Department Fund.

From \$16,790,406 to \$16,182,756 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.135. – To the Department of Public Safety

For the State Highway Patrol

For refunding unused motor vehicle inspection stickers

From State Highways and Transportation Department Fund (0644) \$100,000

***SECTION 8.140.** – To the Department of Public Safety

For the State Highway Patrol

For Technical Services, provided three percent (3%) flexibility is allowed from this section to Section 8.285

Personal Service..... \$304,065

Expense and Equipment (including \$232,230 in one-time) 1,288,150

From General Revenue Fund (0101) 1,592,215

Personal Service..... 582,326

Expense and Equipment..... 4,995,285

From Department of Public Safety Federal Fund (0152)..... 5,577,611

Personal Service..... 21,362,018

Expense and Equipment (including \$7,275,358 in one-time) 27,922,596

From State Highways and Transportation Department Fund (0644) 49,284,674

Personal Service..... 4,647,241

Expense and Equipment..... 2,234,805

For National Criminal Record Reviews 3,000,000

From Criminal Record System Fund (0671)..... 9,882,046

For Livescan purchases, Livescan lease agreements in full, and Livescan maintenance costs incurred by local and county law enforcement

From Criminal Record System Fund (0671)..... 1,945,000

Personal Service..... 254

Expense and Equipment..... 233,040

From Gaming Commission Fund (0286) 233,294

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Personal Service
From Highway Patrol Traffic Records Fund (0758) 99,904

Expense and Equipment
From Criminal Justice Network and Technology Revolving Fund (0842) 2,819,050
Total (Not to exceed 361.00 F.T.E.) \$71,433,794

*I hereby veto \$1,373,305, including \$7,380 general revenue, for salary increases for the Highway Patrol. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I support the General Assembly's efforts to address recruitment and retention of law enforcement officers, our research indicates that a more targeted approach is needed. Therefore, I am vetoing down this item to provide a \$4,000 increase for troopers, troopers first class, corporals and sergeants; a \$2,500 increase after seven years of service for uniformed members; as well as targeted increases for identified non-uniformed positions. These increases are on top of the statewide 8.7% increase that went into effect March 1, 2023. This approach will enable us to offer competitive pay for our law enforcement officers while maintaining a sustainable budget.

For Technical Services.

Personal Service by \$7,380 from \$304,065 to \$296,685 from General Revenue Fund.

From \$1,592,215 to \$1,584,835 in total from General Revenue Fund.

Personal Service by \$39,243 from \$582,326 to \$543,083 from Department of Public Safety Federal Fund.

From \$5,577,611 to \$5,538,368 in total from Department of Public Safety Federal Fund.

Personal Service by \$1,316,821 from \$21,362,018 to \$20,045,197 from State Highways and Transportation Department Fund.

From \$49,284,674 to \$47,967,853 in total from State Highways and Transportation Department Fund.

Personal Service by \$9,861 from \$4,647,241 to \$4,637,380 from Criminal Record System Fund.

From \$9,882,046 to \$9,872,185 in total from Criminal Record System Fund.

From \$71,433,794 to \$70,060,489 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.145. – To the Department of Public Safety

For the State Highway Patrol

For the recoupment, receipt, and disbursement of funds for equipment
replacement, and expenses

Expense and Equipment

From Highway Patrol Expense Fund (0793) \$35,000

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Matter in bold-face type is proposed language.

SECTION 8.150. – To the Department of Public Safety

Funds are to be transferred out of the State Treasury to the State Road Fund
pursuant to Section 307.365, RSMo

From Highway Patrol Inspection Fund (0297) \$2,000,000

SECTION 8.155. – To the Department of Public Safety

For the Division of Alcohol and Tobacco Control

Personal Service..... \$507,967

Expense and Equipment..... 397,594

From Department of Public Safety Federal Fund (0152)..... 905,561

Personal Service (including \$92,184 in one-time) 2,159,771

Expense and Equipment..... 577,234

From Division of Alcohol and Tobacco Control Fund (0544) 2,737,005

Total (Not to exceed 36.00 F.T.E.) \$3,642,566

SECTION 8.160. – To the Department of Public Safety

For the Division of Alcohol and Tobacco Control

For refunds for unused liquor and beer licenses and for liquor and beer stamps
not used and canceled

From General Revenue Fund (0101) \$55,000

***SECTION 8.165.** – To the Department of Public Safety

For the Division of Fire Safety, provided for all funds in this section, ten percent
(10%) flexibility is allowed from personal service to expense and equipment,
no flexibility is allowed from expense and equipment to personal service,
and three percent (3%) flexibility is allowed from this section to Section
8.285

Personal Service (including \$250,378 in one-time) \$3,091,500

Expense and Equipment (including \$216,896 in one-time) 405,601

Program Distribution (one-time) 7,000,000

From General Revenue Fund (0101) 10,497,101

For receiving and expending National Fire Academy Grants and Assistance to
Firefighter Grants

From Department of Public Safety Federal Fund (0152)..... 600,000

Personal Service..... 528,884

Expense and Equipment..... 74,689

From Elevator Safety Fund (0257) 603,573

Personal Service..... 502,153

Expense and Equipment..... 54,943

From Boiler and Pressure Vessels Safety Fund (0744)..... 557,096

Personal Service..... 107,247

Expense and Equipment..... 12,027

From Missouri Explosives Safety Act Administration Fund (0804)..... 119,274

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Matter in bold-face type is proposed language.

To allow the State Fire Marshal to disburse grants to any applying volunteer fire protection association for the purpose of funding such association's costs related to worker's compensation premiums for volunteer firefighters
 From General Revenue Fund (0101) 200,000

For a non-for profit fire protection district that provides services to a city with more than one thousand three hundred but fewer than one thousand five hundred inhabitants and located in a county with more than seven hundred thousand but fewer than eight hundred thousand inhabitants
 From General Revenue Fund (0101) (one-time) 376,571
 Total (Not to exceed 67.92 F.T.E.) \$12,953,615

*I hereby veto \$376,571 general revenue for the Lone Jack Fire Protection District. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I am supportive of first responders and have made budget recommendations supporting law enforcement, first responders, and other emergency personnel in this budget and in previous budgets, this is a local responsibility with minimal statewide impact. Other funding mechanisms, such as the ARPA First Responders grant, exist for this purpose. My veto in 20.150 removing the cap on public safety grants allows this project to pursue that state grant funding opportunity.

For a non-for profit fire protection district that provides services to a city with more than one thousand three hundred but fewer than one thousand five hundred inhabitants and located in a county with more than seven hundred thousand but fewer than eight hundred thousand inhabitants.
 From \$376,571 to \$0 from General Revenue Fund.
 From \$12,953,615 to \$12,577,044 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 8.170. – To the Department of Public Safety

For the Division of Fire Safety, provided ten percent (10%) flexibility is allowed
 from personal service to expense and equipment and no flexibility is allowed
 from expense and equipment to personal service

For the Fire Safe Cigarette Program

Personal Service..... \$26,253
 Expense and Equipment..... 10,204

From Cigarette Fire Safety Standard and Firefighter Protection Act
 Fund (0937)..... \$36,457

SECTION 8.175. – To the Department of Public Safety

For the Division of Fire Safety

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

For firefighter training contracted services, provided three percent (3%) flexibility is allowed from this section to Section 8.285	
Expense and Equipment.....	\$470,000
Program Distribution.....	510,000
From General Revenue Fund (0101)	980,000
Expense and Equipment	
From Chemical Emergency Preparedness Fund (0587).....	100,000
Expense and Equipment	
From Fire Education Fund (0821)	250,000
For Missouri Fire Service Funeral Assistance Team training and equipment	
Expense and Equipment	
From General Revenue Fund (0101)	20,000
Total.....	\$1,350,000

SECTION 8.180. – To the Department of Public Safety

For the Missouri Veterans' Commission

For Administration and Service to Veterans

Personal Service.....	\$6,044,049
Expense and Equipment.....	1,521,135
From Veterans Commission Capital Improvement Trust Fund (0304)	7,565,184
Expense and Equipment	
From Veterans' Trust Fund (0579).....	23,832

For housing assistance for veterans

From Budget Stabilization Fund (0522)	1,500,000
Total (Not to exceed 115.61 F.T.E.)	\$9,089,016

***SECTION 8.181.** – To the Department of Public Safety

For the Missouri Veterans' Commission

For a grant to a veteran-only, non-profit, homeless shelter that provides emergency housing and a transitional living program to veterans and such shelter is located in a city with more than one hundred twenty-five thousand but fewer than one hundred sixty thousand inhabitants

From Budget Stabilization Fund (0522) (one-time)	\$1,000,000
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*I hereby veto \$1,000,000 Budget Stabilization Fund for a grant to a veteran-only, non-profit, homeless shelter in Columbia. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

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Said section is vetoed in its entirety from \$1,000,000 to \$0 from Budget Stabilization Fund.
From \$1,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 8.185.** – To the Department of Public Safety

For the Missouri Veterans' Commission

For the restoration, renovation, maintenance, and improvements to a World War

I Memorial and Museum

From General Revenue Fund (0101) (one-time)\$10,000,000

From World War I Memorial Trust Fund (0993) 150,000

Total.....\$10,150,000

*I hereby veto \$3,000,000 general revenue for the restoration, renovation, maintenance, and improvements to a World War I Memorial and Museum. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

From \$10,000,000 to \$7,000,000 from General Revenue Fund.

From \$10,150,000 to \$7,150,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.190. – To the Department of Public Safety

For the Missouri Veterans' Commission

For veterans' health and safety initiatives

From Veterans Assistance Fund (0461)\$4,557,800

SECTION 8.195. – To the Department of Public Safety

For the Missouri Veterans' Commission

For the Veterans' Service Officer Program

From Veterans Commission Capital Improvement Trust Fund (0304)\$1,600,397

SECTION 8.200. – To the Department of Public Safety

For the Missouri Veterans' Commission

For Missouri Veterans' Homes, and further provided that one-hundred percent

(100%) flexibility is allowed from personal service to expense and

equipment contingent upon the department contracting out food services

Personal Service.....\$73,668,302

Expense and Equipment..... 24,417,246

From Missouri Veterans' Homes Fund (0460)98,085,548

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Expense and Equipment	
From Veterans' Trust Fund (0579).....	52,502
Expense and Equipment	
From Department of Public Safety Federal Stimulus - 2021 Fund (2458)	10,800,000
Personal Service	
From Veterans Commission Capital Improvement Trust Fund (0304)	37,656
For refunds to veterans and/or the U.S. Department of Veterans' Affairs	
From Missouri Veterans' Homes Fund (0460)	1,274,400
For overtime to state employees. Non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees	
From Missouri Veterans' Homes Fund (0460)	2,063,094
Total (Not to exceed 1,575.98 F.T.E.)	\$112,313,200

SECTION 8.205. – To the Department of Public Safety

For the Missouri Veterans' Commission

For the operations of Veterans' Homes and cemeteries, utilities, systems
furniture, and structural modifications

From Veterans Commission Capital Improvement Trust Fund (0304)\$4,448,501

SECTION 8.210. – To the Department of Public SafetyFunds are to be transferred out of the State Treasury to the Missouri
Veterans' Homes Fund

From General Revenue Fund (0101) (including \$10,699,345 in one-time)\$19,949,485

From Budget Stabilization Fund (0522) (one-time)20,000,000

From Veterans Commission Capital Improvement Trust Fund (0304)30,000,000

From Veterans Reinvestment Fund (0611)1,278,973

Total.....\$71,228,458

***SECTION 8.215.** – To the Department of Public Safety

For the Gaming Commission

For the Divisions of Gaming and Bingo

Personal Service.....\$18,960,572

Expense and Equipment.....1,735,908

From Gaming Commission Fund (0286) 20,696,480

Expense and Equipment

From Compulsive Gamblers Fund (0249)56,310

Total (Not to exceed 227.75 F.T.E.)\$20,752,790

*I hereby veto \$93,038 Gaming Commission Fund for salary increases for the Highway Patrol. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General

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Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I support the General Assembly's efforts to address recruitment and retention of law enforcement officers, our research indicates that a more targeted approach is needed. Therefore, I am vetoing down this item to provide a \$4,000 increase for troopers, troopers first class, corporals and sergeants, a \$2,500 increase after seven years of service for uniformed members, as well as targeted increases for identified non-uniformed positions. These increases are on top of the statewide 8.7% increase that went into effect March 1, 2023. This approach will enable us to offer competitive pay for our law enforcement officers while maintaining a sustainable budget.

Personal Service by \$93,038 from \$18,960,572 to \$18,867,534 from Gaming Commission Fund.
From \$20,696,480 to \$20,603,442 in total from Gaming Commission Fund.
From \$20,752,790 to \$20,659,752 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 8.220.** – To the Department of Public Safety

For the Gaming Commission

For fringe benefits, including retirement contributions for members of the
Missouri Department of Transportation and Highway Patrol Employees'
Retirement System, and insurance premiums for State Highway Patrol
employees assigned to work under the direction of the Gaming Commission

Personal Service.....	\$8,686,542
Expense and Equipment.....	328,599

From Gaming Commission Fund (0286)	\$9,015,141
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*I hereby veto \$54,241 Gaming Commission Fund for fringe benefit increases for the Highway Patrol. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. This funding is being adjusted to match the pay increase for the Missouri State Highway Patrol.

Personal Service by \$54,241 from \$8,686,542 to \$8,632,301 from Gaming Commission Fund.
From \$9,015,141 to \$8,960,900 in total from Gaming Commission Fund.
From \$9,015,141 to \$8,960,900 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- SECTION 8.225.** – To the Department of Public Safety
 For the Gaming Commission
 For refunding any overpayment or erroneous payment of any amount that is
 credited to the Gaming Commission Fund
 From Gaming Commission Fund (0286) \$100,000
- SECTION 8.230.** – To the Department of Public Safety
 For the Gaming Commission
 For refunding any overpayment or erroneous payment of any amount received
 for bingo fees
 From Bingo Proceeds for Education Fund (0289) \$5,000
- SECTION 8.235.** – To the Department of Public Safety
 For the Gaming Commission
 For refunding any overpayment or erroneous payment of any amount that is
 credited to the Gaming Proceeds for Education Fund
 From Gaming Proceeds for Education Fund (0285) \$50,000
- SECTION 8.240.** – To the Department of Public Safety
 For the Gaming Commission
 For breeder incentive payments
 From Missouri Breeders Fund (0605) \$5,000
- SECTION 8.245.** – To the Department of Public Safety
 Funds are to be transferred out of the State Treasury to the Veterans
 Commission Capital Improvement Trust Fund
 From Gaming Commission Fund (0286) \$22,000,000
- SECTION 8.250.** – To the Department of Public Safety
 Funds are to be transferred out of the State Treasury to the Missouri National
 Guard Trust Fund
 From Gaming Commission Fund (0286) \$4,000,000
- SECTION 8.255.** – To the Department of Public Safety
 Funds are to be transferred out of the State Treasury to the Access Missouri
 Financial Assistance Fund
 From Gaming Commission Fund (0286) \$5,000,000
- SECTION 8.260.** – To the Department of Public Safety
 Funds are to be transferred out of the State Treasury to the Compulsive
 Gamblers Fund
 From Gaming Commission Fund (0286) \$194,181
- SECTION 8.265.** – To the Department of Public Safety
 For the State Emergency Management Agency
 For Administration and Emergency Operations, provided three percent (3%)
 flexibility is allowed from this section to Section 8.285

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

Personal Service (including \$64,110 in one-time)	\$2,303,277
Expense and Equipment (including \$75,890 in one-time)	379,038
From General Revenue Fund (0101)	2,682,315
Personal Service.....	2,258,297
Expense and Equipment.....	909,559
From State Emergency Management - Federal Fund (0145).....	3,167,856
Personal Service.....	344,262
Expense and Equipment.....	27,350
From Missouri Disaster Fund (0663).....	371,612
Personal Service.....	1,841,025
Expense and Equipment.....	1,059,874
From Department of Health and Senior Services - Federal Fund (0143)	2,900,899
Personal Service.....	199,961
Expense and Equipment.....	130,279
From Chemical Emergency Preparedness Fund (0587).....	330,240
Total (Not to exceed 95.49 F.T.E.)	\$9,452,922

***SECTION 8.270. – To the Department of Public Safety**

For the State Emergency Management Agency

For the Missouri Task Force 1

For expenses of Missouri Task Force 1, a division of the Boone County Fire Protection District, when it responds to emergencies and disasters in the State of Missouri and conducts annual training and exercises. These expenses may include, but are not limited to personnel salaries and benefits, supplies, and repair or replacement of damaged equipment, provided three percent (3%) flexibility is allowed from this section to Section 8.285

From General Revenue Fund (0101) (including \$1,738,500 in one-time)\$1,963,500

*I hereby veto \$1,413,500 general revenue for expenses of Missouri Task Force 1. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

From \$1,963,500 to \$550,000 from General Revenue Fund.

From \$1,963,500 to \$550,000 in total for the section.

MICHAEL L. PARSON

GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 8.275. – To the Department of Public Safety

For the State Emergency Management Agency

For the Community Right-to-Know Act

From Chemical Emergency Preparedness Fund (0587).....\$750,000

For local emergency planning commissions to implement the federal Hazardous

Materials Transportation Uniform Safety Act of 1990

From State Emergency Management - Federal Fund (0145).....750,000

Total.....\$1,500,000

SECTION 8.280. – To the Department of Public Safety

For the State Emergency Management Agency

For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for administrative and training expenses of the State Emergency Management Agency and for first responder training programs, provided three percent (3%) flexibility is allowed from this section to Section 8.285

From State Emergency Management - Federal Fund (0145).....\$29,262,386

For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for the use of the State Emergency Management Agency for alleviating distress from disasters

Personal Service.....290,415

Expense and Equipment.....911,096

Program Distribution.....429,948,800

From Missouri Disaster Fund (0663).....431,150,311

For matching funds for federal grants and for emergency assistance expenses of the State Emergency Management Agency as provided in Section 44.032, RSMo

From General Revenue Fund (0101).....10,000,000

For expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief

From General Revenue Fund (0101).....3,190,729

For expenses of non-declared disasters to include response, recovery, or mitigation activities, and preparation and planning to local emergency planning commissions, districts, and management agencies

From General Revenue Fund (0101).....2,000,000

Total.....\$475,603,426

SECTION 8.285. – To the Department of Public Safety

Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo

From General Revenue Fund (0101).....\$1

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 8.500.** – To the Department of the National Guard

For Missouri Military Forces Administration, provided three percent (3%) flexibility is allowed from this section to Section 8.550

Personal Service.....	\$1,728,099
Expense and Equipment.....	141,030
From General Revenue Fund (0101)	1,869,129

Expense and Equipment, all expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines

From Federal Drug Seizure Fund (0194)	240,933
Total (Not to exceed 28.48 F.T.E.)	\$2,110,062

*I hereby veto \$132,000 general revenue for salary increases for National Guard administrative personnel. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, these salary increases for the Missouri National Guard are duplicative of federal funds for the same purpose. Additionally, this item affects a narrow group of employees who are already receiving pay increases under the 8.7% statewide pay plan and without a demonstrated need for targeted salary increases.

Personal Service by \$132,000 from \$1,728,099 to \$1,596,099 from General Revenue Fund.
From \$1,869,129 to \$1,737,129 in total from General Revenue Fund.
From \$2,110,062 to \$1,978,062 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 8.501.** – To the Department of the National Guard

For reenlistment incentives

From General Revenue (0101).....	\$2,018,000
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*I hereby veto \$2,018,000 general revenue for reenlistment incentives. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, reenlistment incentives for federal employees should be a federal responsibility. This budget also includes other related incentives such as tuition assistance and other important programs.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Said section is vetoed in its entirety from \$2,018,000 to \$0 from General Revenue Fund.
From \$2,018,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.505. – To the Department of the National Guard

For activities in support of the Missouri National Guard, including the National Guard Tuition Assistance Program and the Military Honors Program, provided three percent (3%) flexibility is allowed from this section to Section 8.550

Personal Service.....	\$50,858
Expense and Equipment.....	3,343,957
From General Revenue Fund (0101)	3,394,815
Personal Service.....	1,651,648
Expense and Equipment.....	3,226,247
From Missouri National Guard Trust Fund (0900)	4,877,895
Total (Not to exceed 43.40 F.T.E.)	\$8,272,710

SECTION 8.510. – To the Department of the National Guard

For maintenance and repair of the U.S.S. Missouri Memorial at Pearl Harbor

From General Revenue Fund (0101)	\$50,000
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SECTION 8.515. – To the Department of the National Guard

For the Veterans Recognition Program

Personal Service.....	\$129,437
Expense and Equipment.....	200,000
From Veterans Commission Capital Improvement Trust Fund (0304) (Not to exceed 3.00 F.T.E.).....	\$329,437

SECTION 8.520. – To the Department of the National Guard

For Missouri Military Forces Field Support, provided three percent (3%) flexibility is allowed from this section to Section 8.550

Personal Service.....	\$1,219,152
Expense and Equipment.....	1,823,232
From General Revenue Fund (0101)	3,042,384
Personal Service.....	136,624
Expense and Equipment.....	98,417
From Adjutant General - Federal Fund (0190)	235,041
Total (Not to exceed 42.37 F.T.E.)	\$3,277,425

SECTION 8.525. – To the Department of the National Guard

For operational expenses at armories from armory rental fees

Expense and Equipment	
From Adjutant General Revolving Fund (0530).....	\$55,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 8.530. – To the Department of the National Guard

For the Missouri Military Family Relief Program

Expense and Equipment

From Missouri Military Family Relief Fund (0719) \$10,000

For grants to family members of the National Guard and reservists who are in

financial need 140,000

From Missouri Military Family Relief Fund (0719) \$150,000

SECTION 8.535. – To the Department of the National Guard

For training site operating costs

From Missouri National Guard Training Site Fund (0269) \$330,000

***SECTION 8.540.** – To the Department of the National Guard

For Missouri Military Forces Contract Services, provided three percent (3%)

flexibility is allowed from this section to Section 8.550

Personal Service..... \$594,870

Expense and Equipment (including \$8,570 in one-time) 35,843

From General Revenue Fund (0101) 630,713

Personal Service..... 19,340,948

Expense and Equipment..... 16,814,553

From Adjutant General - Federal Fund (0190) 36,155,501

Personal Service

From Missouri National Guard Training Site Fund (0269) 26,531

Expense and Equipment

From Missouri National Guard Trust Fund (0900) 673,925

For refund of federal overpayments to the state for the Contract Services

Program

From Adjutant General - Federal Fund (0190) 865,561

Total (Not to exceed 393.80 F.T.E.) \$38,352,231

*I hereby veto \$16,070 general revenue for firearms for Missouri Military Forces Contract Services. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the state should not bear the fiscal responsibility for increases in federal regulation.

For Missouri Military Forces Contract Services.

Expense and Equipment by \$16,070 from \$35,843 to \$19,773 from General Revenue Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From \$630,713 to \$614,643 in total from General Revenue Fund.
 From \$38,352,231 to \$38,336,161 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 8.545.** – To the Department of the National Guard
 For the Office of Air Search and Rescue, provided three percent (3%) flexibility
 is allowed from this section to Section 8.550
 Expense and Equipment
 From General Revenue Fund (0101) \$112,243

*I hereby veto \$71,000 general revenue for the Office of Air Search and Rescue. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

From \$112,243 to \$41,243 from General Revenue Fund.
 From \$112,243 to \$41,243 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 8.550. – To the Department of the National Guard
 Funds are to be transferred out of the State Treasury to the State Legal
 Expense Fund for the payment of claims, premiums, and expenses as
 provided by Section 105.711 through 105.726, RSMo
 From General Revenue Fund (0101)\$1

PART 2

SECTION 8.600. – To the Department of Public Safety
 In reference to all sections in Part 1 of this act:
 No funds shall be spent for any flight on a state aircraft where an elected
 official will be on board without a flight plan being made publicly available
 via a global aviation data services organization that operates both a website
 and mobile application which provides free flight tracking of both private
 and commercial aircraft.

SECTION 8.605. – To the Department of Public Safety and Department of
 National Guard
 In reference to all sections in Part 1 of this act:
 No funds shall be expended for or from any federal grant in furtherance of
 administrative costs greater than five percent (5%) of said federal grant
 amount or in accordance with grant guidelines.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

PART 3**SECTION 8.610.** – To the Department of Public Safety

In reference to Section 8.280 of Part 1 of this act:

The Department of Public Safety shall notify the General Assembly on a monthly basis of the status of disaster payments. Such notification shall include, but not limited to completed disaster payments and disaster payments outstanding.

Department of Public Safety Totals

General Revenue Fund.....	\$139,825,358
Federal Funds.....	577,861,221
Other Funds.....	565,945,886
Total.....	\$1,283,632,465

Department of the National Guard Totals

General Revenue Fund.....	\$11,117,285
Federal Funds.....	36,631,475
Other Funds.....	6,442,788
Total.....	\$54,191,548

Approved June 30, 2023

CCS SCS HCS HB 9

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

PART 1

SECTION 9.000. – Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an appropriation identified as “one-time” in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

SECTION 9.005. – To the Department of Corrections

For the Office of the Director, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service.....	\$5,791,247
Annual salary adjustment in accordance with Section 105.005, RSMo.....	48,306
Expense and Equipment.....	116,040
From General Revenue Fund (0101)	5,955,593
Personal Service.....	83,487
Expense and Equipment.....	1,800
From Inmate Fund (0540).....	85,287
For Family Support Services	
From General Revenue Fund (0101)	384,093
From Department of Corrections - Federal Fund (0130)	71,024
Total (Not to exceed 100.50 F.T.E.)	\$6,495,997

***SECTION 9.006.** – To the Department of Corrections

For the Office of the Director

For an automated, modernized crime victim notification software that interfaces with the Department of Corrections system and provides bi-directional real-time communication with citizens through voice, text messages, and emails, and supports customizable multi-agency communications, provided

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

that access to this software shall be intended to benefit and be made freely available to state, county, and municipal public safety and criminal justice agencies

From General Revenue Fund (0101) (one-time)\$3,000,000

*I hereby veto \$3,000,000 general revenue for crime victim notification software. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this item is duplicative of funding in place for the Office of Administration's Information Technology Services Division which currently administers the state's crime victim notification system.

Said section is vetoed in its entirety from \$3,000,000 to \$0 from General Revenue Fund.

From \$3,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 9.010. – To the Department of Corrections

For the Office of Professional Standards, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service.....\$2,380,082

Expense and Equipment.....123,239

From General Revenue Fund (0101) (Not to exceed 42.00 F.T.E.)\$2,503,321

SECTION 9.015. – To the Department of Corrections

For the Office of the Director

For the Offender Reentry Program, provided three percent (3%) flexibility is allowed from this section to Section 9.280

Expense and Equipment

From General Revenue Fund (0101)\$1,800,001

Expense and Equipment

From Inmate Fund (0540).....1,731,300

For a Kansas City Reentry Program

Expense and Equipment

From General Revenue Fund (0101)178,000

For a pay for performance agreement with private programs to reduce the rate of recidivism which would reimburse such programs based on a percentage of an amount on which the state benefitted

From General Revenue Fund (0101)2,500,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For a pilot program to engage a nonprofit agency equipped to provide video job interviewing with vetted second-chance employers, onboarding assistance, and job coaching to inmates releasing from state correctional facilities	
From General Revenue Fund (0101) (one-time)	400,000
Total	\$6,609,301

SECTION 9.020. – To the Department of Corrections

For the Office of the Director

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly, provided the General Assembly shall be notified of the source of any new funds and the purpose for which they should be expended, in writing, prior to the use of said funds	
Personal Service	\$2,989,622
Expense and Equipment	4,307,550
From Department of Corrections - Federal Fund (0130)	7,297,172

For contributions, gifts, and grants in support of a foster care dog program to increase the adoptability of shelter animals and train service dogs for the disabled

From State Institutions Gift Trust Fund (0925)	75,000
Total (Not to exceed 43.00 F.T.E.)	\$7,372,172

SECTION 9.025. – To the Department of Corrections

For the Office of the Director

For Improving Community Treatment services, provided three percent (3%) flexibility is allowed from this section to Section 9.280	
From General Revenue Fund (0101)	\$6,000,000

SECTION 9.030. – To the Department of Corrections

For the Office of the Director

For costs associated with supervising the offender population department-wide, including, but not limited to, funding for personal service, expense and equipment, contractual services, repairs, renovations, capital improvements, and compensatory time, provided thirty percent (30%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280	
Personal Service	\$541,424
Expense and Equipment	943,710
From General Revenue Fund (0101)	\$1,485,134

SECTION 9.035. – To the Department of Corrections

For the Office of the Director

For restitution payments for those wrongly convicted, provided three percent (3%) flexibility is allowed from this section to Section 9.280	
From General Revenue Fund (0101)	\$73,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 9.040. – To the Department of Corrections

For the Division of Human Services

For telecommunications department-wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Expense and Equipment

From General Revenue Fund (0101)\$1,860,529

SECTION 9.045. – To the Department of Corrections

For the Division of Human Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service.....\$14,024,071

Expense and Equipment (includes \$369,436 one-time) 910,271

From General Revenue Fund (0101) (Not to exceed 263.02 F.T.E.).....\$14,934,342

SECTION 9.050. – To the Department of Corrections

For the Division of Human Services

For general services, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Expense and Equipment

From General Revenue Fund (0101)\$744,318

SECTION 9.055. – To the Department of Corrections

For the Division of Human Services

For the operation of institutional facilities, utilities, systems furniture and structural modifications, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Expense and Equipment

From General Revenue Fund (0101)\$26,881,365

From Working Capital Revolving Fund (0510)..... 1,425,607

Total.....\$28,306,972

SECTION 9.060. – To the Department of Corrections

For the Division of Human Services

For the purchase, transportation, and storage of food and food service items, and operational expenses of food preparation facilities at all correctional institutions, provided one hundred percent (100%) flexibility is allowed from personal service to expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service.....\$4,037,170

Expense and Equipment..... 44,010,007

From General Revenue Fund (0101) (Not to exceed 83.00 F.T.E.).....\$48,047,177

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 9.065. – To the Department of Corrections

For the Division of Human Services

For training costs department-wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Expense and Equipment

From General Revenue Fund (0101) (includes \$108,440 one-time).....\$1,658,340

SECTION 9.070. – To the Department of Corrections

For the Division of Human Services

For employee health and safety, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Expense and Equipment

From General Revenue Fund (0101)\$584,752

SECTION 9.075. – To the Department of Corrections

For the Division of Human Services

For overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280.

Personal Service

From General Revenue Fund (0101)\$13,096,012

From Inmate Canteen Fund (0405)..... 58,486

From Working Capital Revolving Fund (0510)..... 58,486

Total.....\$13,212,984

SECTION 9.080. – To the Department of Corrections

For the Division of Adult Institutions

For expenses and small equipment purchased at any of the adult institutions department-wide, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

From General Revenue Fund (0101) (includes \$2,070,400 one-time).....\$25,491,140

From Inmate Incarceration Reimbursement Act Revolving Fund (0828)..... 750,000

For vehicle purchases

From Volkswagen Environmental Mitigation Trust Proceeds

Fund (0268) (one-time) 518,221

For expenses related to offender education, recreation, and/or religious services

From Inmate Canteen Fund (0405)..... 1,200,000

Total.....\$27,959,361

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 9.085. – To the Department of Corrections

For the Division of Adult Institutions, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service.....	\$3,982,986
Expense and Equipment.....	<u>132,800</u>
From General Revenue Fund (0101) (Not to exceed 69.91 F.T.E.)	\$4,115,786

SECTION 9.090. – To the Department of Corrections

For the Division of Adult Institutions

For inmate wage and discharge costs at all correctional facilities, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Expense and Equipment	
From General Revenue Fund (0101)	\$2,859,031
From Inmate Canteen Fund (0405).....	<u>800,000</u>
Total.....	\$3,659,031

SECTION 9.095. – To the Department of Corrections

For the Division of Adult Institutions

For the Jefferson City Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service	
From General Revenue Fund (0101)	\$23,677,961
From Working Capital Revolving Fund (0510).....	179,331
From Inmate Canteen Fund (0405).....	<u>173,839</u>
Total (Not to exceed 516.00 F.T.E.)	\$24,031,131

SECTION 9.100. – To the Department of Corrections

For the Division of Adult Institutions

For the Women's Eastern Reception, Diagnostic and Correctional Center at Vandalia, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service	
From General Revenue Fund (0101)	\$15,381,217
From Working Capital Revolving Fund (0510).....	44,608
From Inmate Canteen Fund (0405).....	<u>132,149</u>

For the establishment and operation of a prison nursery program pursuant to Section 217.940, RSMo.

Personal Service.....	334,426
Expense and Equipment (one-time)	<u>119,768</u>
From General Revenue Fund (0101)	<u>454,194</u>
Total (Not to exceed 337.00 F.T.E.)	\$16,012,168

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Matter in bold-face type is proposed language.

SECTION 9.105. – To the Department of Corrections

For the Division of Adult Institutions

For the Ozark Correctional Center at Fordland, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$7,552,999
From Inmate Canteen Fund (0405).....	<u>137,873</u>
Total (Not to exceed 159.00 F.T.E.)	\$7,690,872

SECTION 9.110. – To the Department of Corrections

For the Division of Adult Institutions

For the Moberly Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$17,698,014
From Working Capital Revolving Fund (0510).....	82,187
From Inmate Canteen Fund (0405).....	<u>133,137</u>
Total (Not to exceed 377.00 F.T.E.)	\$17,913,338

SECTION 9.115. – To the Department of Corrections

For the Division of Adult Institutions

For the Algoa Correctional Center at Jefferson City, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$13,089,684
From Inmate Canteen Fund (0405).....	<u>130,481</u>
Total (Not to exceed 279.00 F.T.E.)	\$13,220,165

SECTION 9.120. – To the Department of Corrections

For the Division of Adult Institutions

For the Missouri Eastern Correctional Center at Pacific, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$14,994,210
From Inmate Canteen Fund (0405).....	<u>129,766</u>
Total (Not to exceed 327.00 F.T.E.)	\$15,123,976

SECTION 9.125. – To the Department of Corrections

For the Division of Adult Institutions

For the Chillicothe Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

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Personal Service	
From General Revenue Fund (0101)	\$19,468,217
From Working Capital Revolving Fund (0510).....	44,608
From Inmate Canteen Fund (0405).....	<u>133,318</u>
Total (Not to exceed 434.02 F.T.E.)	\$19,646,143

SECTION 9.130. – To the Department of Corrections

For the Division of Adult Institutions

For the Boonville Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service	
From General Revenue Fund (0101)	\$12,068,562
From Inmate Canteen Fund (0405).....	<u>134,406</u>
Total (Not to exceed 258.00 F.T.E.)	\$12,202,968

SECTION 9.135. – To the Department of Corrections

For the Division of Adult Institutions

For the Farmington Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service	
From General Revenue Fund (0101)	\$25,281,539
From Working Capital Revolving Fund (0510).....	496,379
From Inmate Canteen Fund (0405).....	<u>137,578</u>
Total (Not to exceed 537.00 F.T.E.)	\$25,915,496

SECTION 9.140. – To the Department of Corrections

For the Division of Adult Institutions

For the Potosi Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service	
From General Revenue Fund (0101)	\$15,498,936
From Working Capital Revolving Fund (0510).....	44,608
From Inmate Canteen Fund (0405).....	<u>136,996</u>
Total (Not to exceed 331.00 F.T.E.)	\$15,680,540

SECTION 9.145. – To the Department of Corrections

For the Division of Adult Institutions

For the Fulton Reception and Diagnostic Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service	
From General Revenue Fund (0101)	\$17,457,848
From Inmate Canteen Fund (0405).....	<u>132,854</u>
Total (Not to exceed 380.00 F.T.E.)	\$17,590,702

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SECTION 9.150. – To the Department of Corrections

For the Division of Adult Institutions

For the Tipton Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$12,692,820
From Working Capital Revolving Fund (0510).....	44,608
From Inmate Canteen Fund (0405).....	<u>135,505</u>
Total (Not to exceed 267.00 F.T.E.)	\$12,872,933

SECTION 9.155. – To the Department of Corrections

For the Division of Adult Institutions

For the Western Reception, Diagnostic and Correctional Center at St. Joseph, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$22,577,824
From Inmate Canteen Fund (0405).....	<u>131,540</u>
Total (Not to exceed 493.00 F.T.E.)	\$22,709,364

SECTION 9.160. – To the Department of Corrections

For the Division of Adult Institutions

For the Maryville Treatment Center, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$8,426,901
From Inmate Canteen Fund (0405).....	<u>85,742</u>
Total (Not to exceed 175.58 F.T.E.)	\$8,512,643

SECTION 9.165. – To the Department of Corrections

For the Division of Adult Institutions

For the Crossroads Correctional Center at Cameron, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$19,406,112
From Working Capital Revolving Fund (0510).....	45,056
From Inmate Canteen Fund (0405).....	<u>137,904</u>
Total (Not to exceed 425.00 F.T.E.)	\$19,589,072

SECTION 9.170. – To the Department of Corrections

For the Division of Adult Institutions

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Matter in bold-face type is proposed language.

For the Northeast Correctional Center at Bowling Green, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$23,111,389
From Inmate Canteen Fund (0405).....	<u>131,130</u>
Total (Not to exceed 512.00 F.T.E.)	\$23,242,519

SECTION 9.175. – To the Department of Corrections

For the Division of Adult Institutions

For the Eastern Reception, Diagnostic and Correctional Center at Bonne Terre, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$26,889,179
From Working Capital Revolving Fund (0510).....	44,608
From Inmate Canteen Fund (0405).....	<u>133,102</u>
Total (Not to exceed 589.00 F.T.E.)	\$27,066,889

SECTION 9.180. – To the Department of Corrections

For the Division of Adult Institutions

For the South Central Correctional Center at Licking, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$18,675,247
From Working Capital Revolving Fund (0510).....	89,219
From Inmate Canteen Fund (0405).....	<u>131,305</u>
Total (Not to exceed 405.00 F.T.E.)	\$18,895,771

SECTION 9.185. – To the Department of Corrections

For the Division of Adult Institutions

For the Southeast Correctional Center at Charleston, provided ten percent (10%) flexibility is allowed between institutions and Section 9.030 and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service

From General Revenue Fund (0101)	\$18,253,402
From Working Capital Revolving Fund (0510).....	89,220
From Inmate Canteen Fund (0405).....	<u>132,306</u>
Total (Not to exceed 402.00 F.T.E.)	\$18,474,928

SECTION 9.190. – To the Department of Corrections

For the Division of Offender Rehabilitative Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

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Personal Service.....	\$1,984,592
Expense and Equipment.....	48,716
From General Revenue Fund (0101) (Not to exceed 29.15 F.T.E.).....	\$2,033,308

***SECTION 9.195.** – To the Department of Corrections

For the Division of Offender Rehabilitative Services

For contractual services for offender physical and mental health care, provided
ten percent (10%) flexibility is allowed between sections and three percent
(3%) flexibility is allowed from this section to Section 9.280

Expense and Equipment

From General Revenue Fund (0101)\$182,558,238

For a pilot program to gauge the effectiveness of prescription digital therapeutics
authorized by the federal food and drug administration for the treatment of
substance use disorder and opioid use disorder

From General Revenue Fund (0101) 550,000

For a pilot program to ensure the availability and use of all medication assisted
treatment products approved by the FDA to treat opioid and/or alcohol use
disorder, including but not limited to those specified in Section 191.1165,
RSMo, in conjunction with treatment for incarcerated offenders

From General Revenue Fund (0101) 500,000

From Opioid Addiction Treatment and Recovery Fund (0705) 4,000,000

Total.....\$187,608,238

*I hereby veto \$550,000 general revenue for a pilot program to gauge the effectiveness of prescription digital therapeutics for the treatment of substance use disorder and opioid use disorder. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the Department of Corrections already operates a substance abuse program; this funding would be duplicative of current programming and was not requested by the department.

For a pilot program to gauge the effectiveness of prescription digital therapeutics.

From \$550,000 to \$0 from General Revenue Fund.

I hereby veto \$500,000 general revenue for a pilot program to ensure the availability and use of all medication assisted treatment products approved by the FDA to treat opioid and/or alcohol use disorder. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will

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ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this funding would expand the current pilot for the medication assisted treatment program. Determinations regarding additional state general revenue funding should be made once the program has been established and the effectiveness of the investments have been demonstrated.

For a pilot program to ensure the availability and use of all medication assisted treatment products.
From \$500,000 to \$0 from General Revenue Fund.

From \$187,608,238 to \$186,558,238 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 9.200. – To the Department of Corrections

For the Division of Offender Rehabilitative Services

For substance use and recovery services, provided one hundred percent (100%) flexibility is allowed from personal service to expense and equipment and ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service.....	\$3,157,753
Expense and Equipment.....	7,035,336
From General Revenue Fund (0101)	10,193,089

Expense and Equipment	
From Correctional Substance Abuse Earnings Fund (0853)	40,000
Total (Not to exceed 68.00 F.T.E.)	\$10,233,089

SECTION 9.205. – To the Department of Corrections

For the Division of Offender Rehabilitative Services

For toxicology testing, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Expense and Equipment	
From General Revenue Fund (0101)	\$517,155

SECTION 9.210. – To the Department of Corrections

For the Division of Offender Rehabilitative Services

For offender education, provided ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service	
From General Revenue Fund (0101)	\$9,157,110

For career and technical education programming for incarcerated offenders
focusing on coding skills

From General Revenue Fund (0101)	500,000
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For a faith based education system
 From General Revenue Fund (0101) 150,000

Expense and Equipment
 From Inmate Canteen Fund (0405) 1,600,000
 Total (Not to exceed 186.00 F.T.E.) \$11,407,110

SECTION 9.215. – To the Department of Corrections

For the Division of Offender Rehabilitative Services

For Missouri Correctional Enterprises, provided ten percent (10%) flexibility is
 allowed between personal service and expense and equipment
 Personal Service \$7,058,231
 Expense and Equipment 19,800,577
 From Working Capital Revolving Fund (0510) (Not to exceed 163.88
 F.T.E.) \$26,858,808

SECTION 9.220. – To the Department of Corrections

For the Division of Probation and Parole, provided ten percent (10%) flexibility
 is allowed between personal service and expense and equipment, ten percent
 (10%) flexibility is allowed between sections and three percent (3%)
 flexibility is allowed from this section to Section 9.280

Personal Service \$83,643,226
 Expense and Equipment (includes \$60,853 one-time) 3,597,235
 From General Revenue Fund (0101) 87,240,461

Expense and Equipment
 From Inmate Fund (0540) 4,336,924

For transfers and refunds set-off against debts as required by Section 143.786,
 RSMo

From Debt Offset Escrow Fund (0753) 2,600,000
 Total (Not to exceed 1,687.31 F.T.E.) \$94,177,385

SECTION 9.225. – To the Department of Corrections

For the Division of Probation and Parole

For the Transition Center of St. Louis, provided ten percent (10%) flexibility is
 allowed between sections and three percent (3%) flexibility is allowed from
 this section to Section 9.280

Personal Service
 From General Revenue Fund (0101) (Not to exceed 109.36 F.T.E.) \$5,085,929

SECTION 9.230. – To the Department of Corrections

For the Division of Probation and Parole

For the Transition Center of Kansas City, provided ten percent (10%) flexibility
 is allowed between sections and three percent (3%) flexibility is allowed
 from this section to Section 9.280

Personal Service

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From General Revenue Fund (0101)	\$5,102,688
From Inmate Fund (0540).....	<u>61,969</u>
Total (Not to exceed 106.18 F.T.E.)	\$5,164,657

SECTION 9.235. – To the Department of Corrections

For the Division of Probation and Parole

For the Command Center, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service.....	\$721,559
Expense and Equipment.....	<u>4,900</u>
From General Revenue Fund (0101) (Not to exceed 15.40 F.T.E.)	\$726,459

SECTION 9.240. – To the Department of Corrections

For the Division of Probation and Parole

For low-risk offender supervision Expense and Equipment, provided fifteen percent (15%) flexibility is allowed between sections 9.240 and 9.245

From Inmate Fund (0540).....	\$1,000,000
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SECTION 9.245. – To the Department of Corrections

For the Division of Probation and Parole

For electronic monitoring Expense and Equipment, provided fifteen percent (15%) flexibility is allowed between sections 9.240 and 9.245

From Inmate Fund (0540).....	\$3,080,289
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SECTION 9.250. – To the Department of Corrections

For the Division of Probation and Parole

For community supervision centers, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service.....	\$5,981,007
Expense and Equipment.....	<u>453,661</u>
From General Revenue Fund (0101) (Not to exceed 136.42 F.T.E.)	\$6,434,668

SECTION 9.255. – To the Department of Corrections

For the Division of Probation and Parole

For Parole Board operations, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.280

Personal Service.....	\$2,242,832
Annual salary adjustment in accordance with Section 105.005, RSMo.....	60,957
Expense and Equipment.....	<u>86,171</u>
From General Revenue Fund (0101) (Not to exceed 36.00 F.T.E.)	\$2,389,960

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SECTION 9.260. – To the Department of Corrections

For paying an amount in aid to the counties that is the net amount of costs in criminal cases, transportation of convicted criminals to the state penitentiaries, housing, costs for reimbursement of the expenses associated with extradition, less the amount of unpaid city or county liability to furnish public defender office space and utility services pursuant to Section 600.040, RSMo., provided ten percent (10%) flexibility is allowed between reimbursements to county jails, certificates of delivery and extradition payments

For Reimbursements to County Jails at the rate of \$22.58 per prisoner per day	\$44,956,868
For Certificates of Delivery	1,960,000
For Extradition Payments	1,960,000
For the payment of arrearages	<u>1,750,676</u>
From General Revenue Fund (0101)	\$50,627,544

SECTION 9.265. – To the Department of Corrections

For payments to counties and cities that operate jails or detention facilities eligible for reimbursement under Section 221.105, RSMo. for the provision of appropriate feminine hygiene products to prisoners. Funds shall be distributed by the department in one annual payment to each county/city based on each county's/city's percent of the total population in eligible counties/cities as determined by the most recent census

From General Revenue Fund (0101)	\$240,000
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SECTION 9.270. – To the Department of Corrections

For operating department institutional canteens for offender use and benefit. Per Section 217.195, RSMo, fund expenditures are solely to improve offender recreational, religious, or educational services, and for canteen cash flow and operating expenses.

Expense and Equipment

From Inmate Canteen Fund (0405)	\$29,813,446
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SECTION 9.275. – To the Department of Corrections

For the costs of settlement and other expenses related to resolution of the Hootselle, et al. v. Missouri Department of Corrections, Case No. 12AC-CC00518-01

Expense and Equipment

From General Revenue Fund (0101)	\$1,732,650
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SECTION 9.280. – To the Department of Corrections

Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo

From General Revenue Fund (0101)	\$1
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PART 2**SECTION 9.400.** – To the Department of Corrections

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

Bill Totals

General Revenue Fund.....	\$862,947,449
Federal Funds.....	7,368,196
Other Funds.....	81,229,186
Total.....	\$951,544,831

Approved June 30, 2023

CCS SCS HCS HB 10

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health and Senior Services

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each department, division, agency, fund transfer, and program described herein, for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

PART 1

SECTION 10.000. – Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together

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with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Mental Health and the Department of Health and Senior Services in implementing the appropriations found in Part 1 and Part 2 of this act. An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an appropriation identified as "one-time" in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

SECTION 10.005. – To the Department of Mental Health

For the Office of the Director, provided three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$589,982
Expense and Equipment.....	<u>20,385</u>
From General Revenue Fund (0101)	610,367
Personal Service.....	89,579
Expense and Equipment.....	<u>53,711</u>
From Department of Mental Health Federal Fund (0148).....	<u>143,290</u>
Total (Not to exceed 7.82 F.T.E.)	\$753,657

SECTION 10.010. – To the Department of Mental Health

For the Office of the Director

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	\$1,340,182

SECTION 10.015. – To the Department of Mental Health

For the Office of the Director

For program operations and support, provided three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$5,861,619
Expense and Equipment.....	<u>359,977</u>
From General Revenue Fund (0101)	6,221,596
Personal Service.....	1,213,337
Expense and Equipment.....	<u>792,009</u>
From Department of Mental Health Federal Fund (0148).....	<u>2,005,346</u>

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Matter in bold-face type is proposed language.

To procure and implement a multi-year, vendor-hosted, integrated commercial off the shelf electronic health record system for use in all of the department's hospitals and facilities

Personal Service.....	591,287
Expense and Equipment.....	<u>3,490,000</u>
From General Revenue Fund (0101)	<u>4,081,287</u>
Total (Not to exceed 126.55 F.T.E.)	\$12,308,229

SECTION 10.020. – To the Department of Mental Health

For the Office of the Director

For staff training, provided ten percent (10%) flexibility is allowed from personal service to expense and equipment and three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101)	\$659,140

Personal Service.....	221,553
Expense and Equipment.....	<u>290,361</u>
From Department of Mental Health Federal Fund (0148)	511,914

For the Caring for Missourians' Mental Health Initiative

Expense and Equipment	
From Department of Mental Health Federal Fund (0148)	<u>551,705</u>
Total.....	\$1,722,759

SECTION 10.025. – To the Department of Mental Health

For the Office of the Director

For funding insurance, private pay, licensure fee, and/or Medicaid refunds by state facilities operated by the Department of Mental Health

From General Revenue Fund (0101)	\$205,000
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For refunds

From Department of Mental Health Federal Fund (0148)	250,000
From Mental Health Interagency Payments Fund (0109)	100
From Mental Health Intergovernmental Transfer Fund (0147)	100
From Compulsive Gamblers Fund (0249)	100
From Health Initiatives Fund (0275)	100
From Mental Health Earnings Fund (0288)	50,000
From Habilitation Center Room and Board Fund (0435)	10,000
From Inmate Fund (0540)	100
From Mental Health Trust Fund (0926)	25,000
From DMH Local Tax Matching Fund (0930)	150,000

For the transfer payment of refunds set off against debts as required by Section 143.786, RSMo

From Debt Offset Escrow Fund (0753)	<u>25,000</u>
Total.....	\$715,500

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 10.030. – To the Department of Mental Health

Funds are to be transferred out of the State Treasury to the Mental Health Trust Fund

From Abandoned Fund Account (0863) \$100,000

SECTION 10.035. – To the Department of Mental Health

For the Office of the Director

For receipt and disbursement of donations and gifts which may become available to the Department of Mental Health during the year (excluding federal grants and funds)

Personal Service..... \$563,436

Expense and Equipment..... 1,925,000

From Mental Health Trust Fund (0926) (Not to exceed 7.50 F.T.E.) \$2,488,436

SECTION 10.040. – To the Department of Mental Health

For the Office of the Director

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

Personal Service..... \$146,767

Expense and Equipment..... 2,462,390

From Department of Mental Health Federal Fund (0148) (Not to exceed 2.00 F.T.E.) \$2,609,157

SECTION 10.045. – To the Department of Mental Health

For Medicaid payments related to intergovernmental payments

From Department of Mental Health Federal Fund (0148) \$11,900,000

From Mental Health Intergovernmental Transfer Fund (0147)..... 6,600,000

Total..... \$18,500,000

SECTION 10.050. – To the Department of Mental Health

Funds are to be transferred out of the State Treasury to the Department of Social Services Intergovernmental Transfer Fund for providing the state match for the Department of Mental Health payments

From General Revenue Fund (0101) \$283,849,564

SECTION 10.055. – To the Department of Mental Health

Funds are to be transferred out of the State Treasury to the General Revenue Fund to provide the state match for the Department of Mental Health payments

From Department of Mental Health Federal Fund (0148)..... \$201,393,308

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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SECTION 10.060. – To the Department of Mental Health

Funds are to be transferred out of the State Treasury to the General Revenue Fund for Disproportionate Share Hospital funds leveraged by the Department of Mental Health - Institution of Mental Disease facilities

From Department of Mental Health Federal Fund (0148)\$50,000,000

SECTION 10.098. – To the Department of Mental Health

For the purpose of providing matching grant to a not-for-profit organization with two physical locations in any county with more than one million inhabitants with at least 150 F.T.E.'s and experience in adult day service for the renovation of a community facility located in any city with more than forty-six thousand but fewer than fifty-one thousand inhabitants, providing adult day care services, child day care services, recreational services and support for the local community

From General Revenue Fund (0101) (one-time)\$2,000,000

SECTION 10.099. – To the Department of Mental Health

For the construction of a 200 bed mental health hospital in conjunction with a non-state governmental acute care hospital operating inpatient behavioral health beds in a state-owned facility

From Federal Earnings Fund (0558) (one-time)\$135,000,000

From Budget Stabilization Fund (0522) (one-time)135,000,000

From Department of Mental Health Federal Fund (0148) (one-time) 30,000,000

Total.....\$300,000,000

SECTION 10.100. – To the Department of Mental Health

For the Division of Behavioral Health

For the administration of statewide comprehensive psychiatric services and alcohol and drug abuse prevention and treatment programs, provided three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....\$2,523,649

Expense and Equipment..... 80,459

From General Revenue Fund (0101)2,604,108

Personal Service.....1,687,804

Expense and Equipment..... 1,885,533

From Department of Mental Health Federal Fund (0148)3,573,337

Personal Service

From Health Initiatives Fund (0275)..... 58,526

Total (Not to exceed 59.92 F.T.E.)\$6,235,971

SECTION 10.105. – To the Department of Mental Health

For the Division of Behavioral Health

For prevention and education services, provided three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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From Department of Mental Health Federal Fund (0148).....	\$17,655,365
From Health Initiatives Fund (0275).....	82,148
From Mental Health Earnings Fund (0288).....	475,024
From Department of Mental Health Federal Stimulus - 2021 Fund (2455)	3,198,535
Personal Service.....	106,695
Expense and Equipment.....	1,372,959
From General Revenue Fund (0101)	1,479,654
Personal Service.....	155,232
Expense and Equipment.....	396,585
From Department of Mental Health Federal Fund (0148).....	551,817
For enabling enforcement of the provisions of the Family Smoking Prevention and Tobacco Control Act of 2009, in collaboration with the Department of Public Safety, Division of Alcohol and Tobacco Control	
Personal Service.....	338,402
Expense and Equipment.....	194,743
From Department of Mental Health Federal Fund (0148).....	533,145
For suicide prevention initiatives	
Personal Service.....	22,855
Expense and Equipment.....	829,797
From Department of Mental Health Federal Fund (0148).....	852,652
For community grants to local governments impacted by the opioid epidemic	
Expense and Equipment	
From Opioid Addiction Treatment and Recovery Fund (0705)	6,900,000
Total (Not to exceed 8.84 F.T.E.)	\$31,728,340

***SECTION 10.110. – To the Department of Mental Health**

For the Division of Behavioral Health

For treatment of alcohol and drug abuse, provided three percent (3%) flexibility
is allowed from this section to Section 10.575

Personal Service	
From General Revenue Fund (0101)	\$702,324
Personal Service.....	263,536
Expense and Equipment.....	377,007
From Department of Mental Health Federal Fund (0148).....	640,543
Personal Service.....	249,967
Expense and Equipment.....	21,209
From Health Initiatives Fund (0275).....	271,176

For treatment of alcohol and drug abuse, provided twenty percent (20%)
flexibility is allowed between sections indicated in 10.110 and 10.115 to
allow flexibility in payment for the Certified Community Behavioral Health
Clinic Prospective Payment System, and further provided three percent (3%)
flexibility is allowed from this section to Section 10.575

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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From General Revenue Fund (0101)	12,086,312
From Department of Mental Health Federal Fund (0148)	91,431,393
From Title XXI-Children's Health Insurance Program Federal Fund (0159)	2,203,495
From Department of Mental Health Federal Stimulus - 2021 Fund (2455)	13,080,563

For treatment of alcohol and drug abuse

From Inmate Fund (0540)	3,513,779
From Health Initiatives Fund (0275)	5,967,147
From DMH Local Tax Matching Fund (0930)	963,775
From Mental Health Interagency Payments Fund (0109)	10,000

For reducing recidivism among offenders with serious substance use disorders who are returning to community areas from any of the state correctional facilities. Additionally, remaining funds shall be used to support offenders returning to other regions of the state who are working with available treatment slots from the Department of Mental Health. The department shall select a qualified not-for-profit service provider in accordance with state purchasing rules. The provider must have experience serving this population in a correctional setting as well as in the community. The provider shall design and implement an evidence-based program that includes a continuum of services from prison to community, including medication assisted treatment that is initiated prior to release, when appropriate. The program must include an evaluation component to determine its effectiveness relative to other options, provided three percent (3%) flexibility is allowed from this section to Section 10.575

From General Revenue Fund (0101)	2,564,144
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For Recovery Support Services with the Access to
Recovery Program
Expense and Equipment

From General Revenue Fund (0101)	6,117,527
From Department of Mental Health Federal Fund (0148)	2,598,084

For statewide distribution of opioid antagonists approved by the Food and Drug Administration, provided \$100,000 be utilized for a pilot project to distribute fentanyl test strips to community-based organizations
Expense and Equipment

From Opioid Addiction Treatment and Recovery Fund (0705)	5,100,000
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For treatment of compulsive gambling
Expense and Equipment

From Compulsive Gamblers Fund (0249)	153,606
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For the Substance Abuse Traffic Offender Program
Expense and Equipment

From Mental Health Earnings Fund (0288)	6,995,353
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Matter in bold-face type is proposed language.

For treatment of comprehensive psychiatric services, provided three percent (3%) flexibility is allowed from this section to Section 10.575	
Personal Service.....	1,413,628
Expense and Equipment.....	17,485,410
From General Revenue Fund (0101)	18,899,038
Personal Service.....	466,274
Expense and Equipment.....	5,733,307
From Department of Mental Health Federal Fund (0148).....	6,199,581
For treatment of adult psychiatric services, provided twenty percent (20%) flexibility is allowed between sections indicated in 10.110 and 10.115 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101)	29,630,082
From Department of Mental Health Federal Fund (0148).....	54,696,506
From Mental Health Interagency Payments Fund (0109).....	1,310,572
From DMH Local Tax Matching Fund (0930).....	2,426,903
From Title XXI-Children's Health Insurance Program Federal Fund (0159)	10,985,999
From Department of Mental Health Federal Stimulus - 2021 Fund (2455)	8,411,616
For treatment of youth psychiatric services, provided twenty percent (20%) flexibility is allowed between sections indicated in 10.110 and 10.115 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101)	13,114,795
From Department of Mental Health Federal Fund (0148).....	15,769,169
From Mental Health Interagency Payments Fund (0109).....	600,000
From DMH Local Tax Matching Fund (0930).....	1,406,879
From Title XXI-Children's Health Insurance Program Federal Fund (0159)	3,384,997
From Department of Mental Health Federal Stimulus - 2021 Fund (2455)	882,000
For home and community based services for the enhancement of telehealth and digital healthcare options; the purchase of transcranial magnetic stimulation equipment; the addition of new modules and enhancement of functionality of the existing statewide platform utilized by behavioral health providers for healthcare management; supporting provider onboarding expenses for data systems, excluding any ongoing costs; and equipment and supplies related to training and education	
Expense and Equipment	
From HCBS FMAP Enhancement Fund (2444)	52,686,254

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For reimbursing attorneys, physicians, and counties for fees in involuntary civil commitment procedures, provided three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101)	747,441
For housing assistance for homeless veterans, provided three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101)	255,000
From Department of Mental Health Federal Fund (0148)	1,000,000
For the purpose of funding a program which is located in a city not within a county that provides services in 62 counties for housing and related supportive services to improve quality of life and health outcomes for individuals and families affected by HIV/AIDS which allows them to return to productive society status	
From General Revenue (0101) (one-time)	590,000
For implementation of the 988 National Suicide Prevention Lifeline	
Personal Service.....	289,843
Expense and Equipment.....	932,092
From Department of Mental Health Federal Stimulus - 2021 Fund (2455)	1,221,935
For Shelter Plus Care grants	
From Department of Mental Health Federal Fund (0148)	14,336,746
For Federally Qualified Health Centers, located in any city with more than four hundred thousand inhabitants and located in more than one county, and in any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants, to provide mental health services	
From General Revenue Fund (0101)	600,000
Funding for the reimbursement of ambulance transports of non-Medicaid behavioral health transports to facilities	
From General Revenue Fund (0101)	5,000,000
For a behavioral health network that links individuals 14 and over with severe opioid use disorder to community based treatment with the help of Peer Recovery Coaches	
From General Revenue Fund (0101) (one-time)	2,000,000
For the Division of Behavioral Health to implement the use of EEG-Guided Transcranial Magnetic Stimulation (e-TMS) equipment for priority populations to include veterans, law enforcement and first responders	
From General Revenue Fund (0101) (one-time)	3,300,000

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For the purpose of providing funding to a certified community behavioral health organization headquartered in any county with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants to establish a sixteen bed residential facility for youth with severe behavioral health issues as part of a youth resiliency campus in any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants

From General Revenue Fund (0101)	5,000,000
Total (Not to exceed 50.52 F.T.E.)	\$408,854,734

*I hereby veto \$215,000 general revenue for a 5.5% increase in funding for the Access to Recovery program. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this budget has already budgeted for multiple items totaling over \$472 million in support of behavioral health services statewide.

I hereby veto \$1,500,000 general revenue to expand existing respite housing programs. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this was based on the findings of an informal House group on Crime Prevention. While I appreciate the work of the group's members to find solutions to these problems, a larger and more formal study is needed to determine the best avenues for reducing crime through mental health services. Additionally, this budget has already budgeted for multiple items totaling over \$472 million in support of behavioral health services statewide.

For Recovery Support Services with the Access to Recovery Program.
From \$6,117,527 to \$4,402,527 from General Revenue Fund.

I hereby veto \$3,700,000 general revenue for an early intervention program for youth at risk of mental health crises. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this was based on the findings of an informal House

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group on Crime Prevention. While I appreciate the work of the group's members to find solutions to these problems, a larger and more formal study is needed to determine the best avenues for reducing crime through mental health services. Additionally, this budget has already budgeted for multiple items totaling over \$472 million in support of behavioral health services statewide.

For treatment of youth psychiatric services.
From \$13,114,795 to \$9,414,795 from General Revenue Fund.

I hereby veto \$2,000,000 general revenue for the Engaging Patients in Coordinated Care (EPICC) program. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, there are existing peer support services and opioid treatment investments to help address the goals of this program. Additionally, this program provides one-time state funding to support ongoing program costs, which could possibly jeopardize the program's future sustainability.

For a behavioral health network that links individuals 14 and over with severe opioid use disorder to community based treatment with the help of Peer Recovery Coaches.
From \$2,000,000 to \$0 from General Revenue Fund.

I hereby veto \$1,800,000 general revenue for an Electroencephalogram (EEG) combined Transcranial Magnetic Stimulation (eTMS) Pilot Program. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Additionally, while I am supportive of efforts to help address the mental health needs of veterans and first responders, this is a relatively new treatment option. A smaller pilot project allows for a closer look at the effectiveness of the treatment without being fiscally irresponsible. Additional FDA approval for the equipment is still pending. This item can be revisited once the program is able to demonstrate effectiveness.

For the Division of Behavioral Health to implement the use of EEG-Guided Transcranial Magnetic Stimulation (e-TMS) equipment.
From \$3,300,000 to \$1,500,000 from General Revenue Fund.

From \$408,854,734 to \$399,639,734 in total for the section.

MICHAEL L. PARSON
GOVERNOR

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Matter in bold-face type is proposed language.

***SECTION 10.115.** – To the Department of Mental Health

For the Division of Behavioral Health

For treatment of alcohol and drug abuse for payment of services to Certified
Community Behavioral Health Organizations, provided twenty percent
(20%) flexibility is allowed between sections indicated in 10.110 and 10.115

From General Revenue Fund (0101)	\$26,498,470
From Department of Mental Health Federal Fund (0148)	31,636,122
From Title XXI-Children's Health Insurance Program Federal Fund (0159)	312,603
From HCBS FMAP Enhancement Fund (2444)	2,191,632

For adult psychiatric services and community programs, provided twenty
percent (20%) flexibility is allowed between sections indicated in 10.110
and 10.115 for payment for the Certified Community Behavioral Health
Clinic Prospective Payment System, and further provided three percent (3%)
flexibility is allowed from this section to Section 10.575

From General Revenue Fund (0101)	127,788,119
From Department of Mental Health Federal Fund (0148)	295,891,469
From Title XXI-Children's Health Insurance Program Federal Fund (0159)	1,920,639
From HCBS FMAP Enhancement Fund (2444)	9,220,556

For youth psychiatric services and community programs, provided twenty
percent (20%) flexibility is allowed between sections indicated in 10.110
and 10.115 for payment for the Certified Community Behavioral Health
Clinic Prospective Payment System, and further provided three percent (3%)
flexibility is allowed from this section to Section 10.575

From General Revenue Fund (0101)	37,313,902
From Department of Mental Health Fund (0148)	99,138,936
From Title XXI-Children's Health Insurance Program Federal Fund (0159)	2,284,545
From HCBS FMAP Enhancement Fund (2444)	2,774,660
Total	\$636,971,653

*I hereby veto \$6,866,000, including \$2,200,000 general revenue, for operating costs of additional behavioral health crisis centers. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, there is existing funding in House Bill 20 to construct these centers. Operational funding will not be needed in Fiscal Year 2024, as construction will not yet be completed.

I hereby veto \$1,050,000, including \$283,500 general revenue, for public administrator liaison positions. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general

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revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, statutory changes should be pursued to reduce the workload on Public Administrators in lieu of earmarked state funding for positions that will have minimal impact.

For adult psychiatric services and community programs.

From \$127,788,119 to \$125,304,619 from General Revenue Fund.

From \$295,891,469 to \$290,458,969 from Department of Mental Health Federal Fund.

From \$636,971,653 to \$629,055,653 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.117. – To the Department of Mental Health

For the Division of Behavioral Health

For a substance abuse initiative that focuses on providing medication assisted treatment to treat substance use disorders. Eligible Federally Qualified Health Centers shall have provided walk-in medication assisted treatment services in the previous year

From Opioid Addiction Treatment and Recovery Fund (0705) \$1,000,000

SECTION 10.120. – To the Department of Mental Health

For the Division of Behavioral Health

To pay the state operated hospital provider tax

Expense and Equipment

From General Revenue Fund (0101) \$13,510,000

For funding expenses related to fluctuating census demands, Medicare bundling compliance, Medicare Part D implementation, and to restore facilities personal service and/or expense and equipment incurred for direct care worker training and other operational maintenance expenses, provided three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment

From Department of Mental Health Federal Fund (0148) 4,438,900

From Title XXI-Children's Health Insurance Program Federal Fund (0159) 400,184

Total..... \$18,349,084

SECTION 10.126. – To the Department of Mental Health

For the Division of Behavioral Health

For repair and renovation of an organization that provides transitional living and supportive housing for individuals in recovery from alcohol and drugs, located in any county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than seventeen thousand but fewer than twenty-one thousand inhabitants

From General Revenue Fund (0101) (one-time) \$1,138,212

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SECTION 10.300. – To the Department of Mental Health

For the Division of Behavioral Health

For the Fulton State Hospital, provided fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided ten percent (10%) flexibility is allowed between Fulton State Hospital and Fulton State Hospital Sexual Offender Rehabilitation and Treatment Services Program, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided fifteen percent (15%) flexibility is allowed between this section to sections 10.305, 10.310, 10.315, 10.320, 10.325, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

Personal Service.....	\$52,717,693
Expense and Equipment.....	<u>11,318,780</u>
From General Revenue Fund (0101)	64,036,473
Personal Service.....	988,596
Expense and Equipment.....	<u>618,895</u>
From Department of Mental Health Federal Fund (0148).....	1,607,491

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	814,477

For the Fulton State Hospital Sexual Offender Rehabilitation and Treatment Services Program, provided fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided ten percent (10%) flexibility is allowed between Fulton State Hospital Sexual Offender Rehabilitation and Treatment Services Program and Fulton State Hospital, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided fifteen percent (15%) flexibility is allowed between this section to sections 10.305, 10.310, 10.315, 10.320, 10.325, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

Personal Service.....	12,828,958
Expense and Equipment.....	<u>2,634,835</u>
From General Revenue Fund (0101)	15,463,793

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For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101)	76,463
Total (Not to exceed 1,293.07 F.T.E.)	\$81,998,697

SECTION 10.305. – To the Department of Mental Health

For the Division of Behavioral Health

For the Northwest Missouri Psychiatric Rehabilitation Center, provided fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided five percent (5%) flexibility is allowed between this section to sections 10.300, 10.310, 10.315, 10.320, 10.325, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

Personal Service.....	\$13,837,023
Expense and Equipment.....	3,696,258
From General Revenue Fund (0101)	17,533,281

Personal Service.....	820,782
Expense and Equipment.....	105,903
From Department of Mental Health Federal Fund (0148)	926,685

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101)	208,378
From Department of Mental Health Federal Fund (0148)	11,762
Total (Not to exceed 288.73 F.T.E.)	\$18,680,106

SECTION 10.310. – To the Department of Mental Health

For the Division of Behavioral Health

For the Forensic Treatment Center, provided fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided five percent (5%) flexibility is allowed between this section to sections 10.300, 10.305, 10.315, 10.320, 10.325, and provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%)

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flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services	
Personal Service.....	\$34,862,627
Expense and Equipment.....	7,962,856
From General Revenue Fund (0101)	42,825,483
Personal Service.....	894,828
Expense and Equipment.....	93,210
From Department of Mental Health Federal Fund (0148)	988,038
Personal Service.....	116,233
Expense and Equipment.....	855,546
From Mental Health Earnings Fund (0288)	971,779
For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees	
Personal Service	
From General Revenue Fund (0101)	378,311
From Department of Mental Health Federal Fund (0148)	2,169
Total (Not to exceed 711.41 F.T.E.)	\$45,165,780

SECTION 10.315. – To the Department of Mental Health

For the Division of Behavioral Health

For the Southeast Missouri Mental Health Center, provided fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and provided ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center and Southeast Missouri Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided fifteen percent (15%) flexibility is allowed between this section to sections 10.300, 10.305, 10.310, 10.320, 10.325, and provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

Personal Service.....	\$24,322,427
Expense and Equipment.....	5,855,965
From General Revenue Fund (0101)	30,178,392
Personal Service.....	300,712
Expense and Equipment.....	219,538
From Department of Mental Health Federal Fund (0148)	520,250
Personal Service	
From Mental Health Trust Fund (0926)	93,807

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Matter in bold-face type is proposed language.

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101) 203,073

For the Southeast Missouri Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program, provided fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program and Southeast Missouri Mental Health Center, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided fifteen percent (15%) flexibility is allowed between this section to sections 10.300, 10.305, 10.310, 10.320, 10.325, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

Personal Service..... 24,370,199

Expense and Equipment..... 4,548,558

From General Revenue Fund (0101) 28,918,757

Personal Service..... 29,287

Expense and Equipment..... 657,000

From Department of Mental Health Federal Fund (0148) 686,287

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101) 105,634

Total (Not to exceed 986.62 F.T.E.) \$60,706,200

SECTION 10.320. – To the Department of Mental Health

For the Division of Behavioral Health

For the Center for Behavioral Medicine, provided fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided five percent (5%) flexibility is allowed between this section to sections 10.300, 10.305, 10.310, 10.315, 10.325, and provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

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Personal Service.....	\$17,543,875
Expense and Equipment.....	<u>3,020,016</u>
From General Revenue Fund (0101)	20,563,891
Personal Service.....	251,970
Expense and Equipment.....	<u>633,627</u>
From Department of Mental Health Federal Fund (0148)	885,597
Expense and Equipment	
From Mental Health Earnings Fund (0288)	416,100
For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees	
Personal Service	
From General Revenue Fund (0101)	<u>306,772</u>
Total (Not to exceed 314.49 F.T.E.)	\$22,172,360

SECTION 10.325. – To the Department of Mental Health

For the Division of Behavioral Health

For the Hawthorn Children's Psychiatric Hospital, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided five percent (5%) flexibility is allowed between this section to sections 10.300, 10.305, 10.310, 10.315, 10.320, and provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

Personal Service.....	\$9,470,521
Expense and Equipment.....	<u>1,143,052</u>
From General Revenue Fund (0101)	10,613,573
Personal Service.....	1,938,898
Expense and Equipment.....	<u>197,901</u>
From Department of Mental Health Federal Fund (0148)	2,136,799
For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees	
Personal Service	
From General Revenue Fund (0101)	81,683
From Department of Mental Health Federal Fund (0148)	<u>7,553</u>
Total (Not to exceed 224.64 F.T.E.)	\$12,839,608

SECTION 10.400. – To the Department of Mental Health

For the Division of Developmental Disabilities

For the division administration, provided three percent (3%) flexibility is allowed from this section to Section 10.575

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Personal Service.....	\$1,659,071
Expense and Equipment.....	<u>59,671</u>
From General Revenue Fund (0101)	1,718,742
Personal Service.....	324,020
Expense and Equipment.....	<u>761,524</u>
From Department of Mental Health Federal Fund (0148)	1,085,544
Total (Not to exceed 29.37 F.T.E.)	<u>\$2,804,286</u>

SECTION 10.405. – To the Department of Mental Health

For the Division of Developmental Disabilities

To pay the state operated Intermediate Care Facilities for Individuals with
Intellectual Disabilities (ICF/ID) provider tax
Expense and Equipment

From General Revenue Fund (0101)\$6,200,000

For habilitation centers

Expense and Equipment

From Habilitation Center Room and Board Fund (0435)3,416,532

For State Operated Community Waivers

Expense and Equipment

From Department of Mental Health Federal Stimulus - 2021 Fund (2455) 500,000

Total.....\$10,116,532

***SECTION 10.410.** – To the Department of Mental Health

For the Division of Developmental Disabilities

Provided residential services for non-Medicaid eligibles shall not be reduced
below the prior year expenditures as long as the person is evaluated to need
the services

For community programs, including long-term care transformation initiatives
and efforts for reimbursement of providers based on integration of key
identified outcomes that produce value-based care delivery models to
improve quality and efficiency of the total care delivered to individuals

From General Revenue Fund (0101)\$769,769,064

From Department of Mental Health Federal Fund (0148)1,548,410,485

From Title XXI-Children's Health Insurance Program Federal Fund (0159)3,010,000

From HCBS FMAP Enhancement Fund (2444)11,950,677

From DMH Local Tax Matching Fund (0930).....1,015,000

For community programs, provided three percent (3%) flexibility is allowed
from this section to Section 10.575

Personal Service.....912,666

Expense and Equipment..... 36,357

From General Revenue Fund (0101)949,023

Personal Service.....991,137

Expense and Equipment..... 178,933

From Department of Mental Health Federal Fund (0148)1,170,070

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For statewide autism outreach, education, and awareness programs for persons with autism and their families	
From General Revenue Fund (0101)	11,781,599
For an autism center located in a city with more than eighteen thousand but fewer than twenty thousand inhabitants and that is the county seat of a county with more than forty thousand but fewer than fifty thousand inhabitants	
From General Revenue Fund (0101) (one-time)	500,000
For an autism center located in a city with more than fifty-one thousand but fewer than fifty-eight thousand inhabitants and located in more than one county	
From General Revenue Fund (0101)	51,511
For autism outreach initiatives for children in Northeast Missouri	
From General Revenue Fund (0101)	51,511
For Regional Autism Projects	
From General Revenue Fund (0101)	9,017,135
For a single grant to be issued jointly to a Missouri not-for-profit and a Missouri public institution of higher education to be used to advance research and development of therapeutics and potential cures for cases of genetically caused autism. The grant recipients shall demonstrate existing capabilities and expertise in research on genetically caused rare diseases and shall provide a detailed plan for use of funds in addition to providing quarterly reports to the department on the progress and developments achieved by the use of the funds	
From Budget Stabilization Fund (0522) (one-time)	10,000,000
For services for children who are clients of the Department of Social Services	
From Mental Health Interagency Payments Fund (0109)	8,916,325
For the Developmental Disability Training Program in a county with more than four hundred thousand but fewer than five hundred thousand inhabitants and a county with more than one million inhabitants	
From General Revenue Fund (0101)	250,000
For youth services	
From Mental Health Interagency Payments Fund (0109)	213,832
For Senate Bill 40 Board Tax Funds to be used as match for Medicaid initiatives for clients of the division	
From DMH Local Tax Matching Fund (0930)	5,889,538
Total (Not to exceed 24.59 F.T.E.)	\$2,382,945,770

*I hereby veto \$5,000,000 Budget Stabilization Fund for an autism research initiative The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million

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and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

For a single grant to be issued jointly to a Missouri not-for-profit and a Missouri public institution of higher education to be used to advance research and development of therapeutics and potential cures for cases of genetically caused autism.

From \$10,000,000 to \$5,000,000 from Budget Stabilization Fund.

From \$2,382,945,770 to \$2,377,945,770 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.415. – To the Department of Mental Health

For an autism center headquartered in a city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants, provided any grant awards disbursed from this appropriation shall be matched on a 1:1 basis by the recipient

From Budget Stabilization Fund (0522) \$5,000,000

For an autism center headquartered in a city with more than fifty-one thousand but fewer than fifty-eight thousand inhabitants and located in more than one county, provided any grant awards disbursed from this appropriation shall be matched on a 1:1 basis by the recipient

From Budget Stabilization Fund (0522) 5,000,000

For an autism center headquartered in a county with more than one million inhabitants, provided any grant awards disbursed from this appropriation shall be matched on a 1:1 basis by the recipient

From Budget Stabilization Fund (0522) 5,000,000

Total..... \$15,000,000

SECTION 10.420. – To the Department of Mental Health

For the Division of Developmental Disabilities

For developmental disability home and community based services enhancements

From HCBS FMAP Enhancement Fund (2444) \$150,000

SECTION 10.425. – To the Department of Mental Health

For the Division of Developmental Disabilities

For the reimbursement of hospitals related to individuals who qualify for placement and support through the Division of Developmental Disabilities who may otherwise be eligible for discharge but cannot be discharged due to a lack of availability within an appropriate community placement. Such hospitals shall provide a request for funding documenting these individuals, length of stay beyond discharge, and effort to find placement. The division shall on a pro-rata basis provide a per diem reimbursement on an annual basis

From General Revenue Fund (0101) \$2,000,000

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SECTION 10.430. – To the Department of Mental Health

For the Division of Developmental Disabilities

For community support staff, provided three percent (3%) flexibility is allowed
from this section to Section 10.575

Personal Service

From General Revenue Fund (0101)	\$4,088,176
From Department of Mental Health Federal Fund (0148)	<u>8,270,263</u>
Total (Not to exceed 234.38 F.T.E.)	\$12,358,439

SECTION 10.435. – To the Department of Mental Health

For the Division of Developmental Disabilities

For developmental disabilities services, provided ten percent (10%) flexibility is
allowed between personal service and expense and equipment

Personal Service	\$517,205
Expense and Equipment	<u>1,825,834</u>

From Department of Mental Health Federal Fund (0148)

(Not to exceed 7.98 F.T.E.) \$2,343,039

SECTION 10.440. – To the Department of Mental HealthFunds are to be transferred out of the State Treasury, to the General Revenue
Fund as a result of recovering the Intermediate Care Facility Intellectually
Disabled (ICF/ID) Reimbursement Allowance Fund

From Intermediate Care Facility Intellectually Disabled Reimbursement

Allowance Fund (0901)..... \$2,300,000

Funds are to be transferred out of the State Treasury, to Federal Funds

From Intermediate Care Facility Intellectually Disabled Reimbursement

Allowance Fund (0901)..... 4,066,456

Total..... \$6,366,456

SECTION 10.500. – To the Department of Mental Health

For the Division of Developmental Disabilities

For the Central Missouri Regional Center, provided twenty-five percent (25%)
flexibility is allowed between personal service and expense and equipment,
and further provided three percent (3%) flexibility is allowed from this
section to Section 10.575

Personal Service	\$4,217,850
Expense and Equipment	<u>179,840</u>

From General Revenue Fund (0101) 4,397,690

Personal Service..... 675,859

Expense and Equipment..... 111,063From Department of Mental Health Federal Fund (0148) 786,922

Total (Not to exceed 98.70 F.T.E.) \$5,184,612

SECTION 10.505. – To the Department of Mental Health

For the Division of Developmental Disabilities

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For the Kansas City Regional Center, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$4,026,515
Expense and Equipment.....	<u>253,331</u>
From General Revenue Fund (0101)	4,279,846

Personal Service.....	1,264,752
Expense and Equipment.....	<u>111,649</u>
From Department of Mental Health Federal Fund (0148)	1,376,401
Total (Not to exceed 97.74 F.T.E.)	\$5,656,247

SECTION 10.510. – To the Department of Mental Health

For the Division of Developmental Disabilities

For the Sikeston Regional Center, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$2,212,139
Expense and Equipment (including \$35,825 one-time).....	<u>164,330</u>
From General Revenue Fund (0101)	2,376,469

Personal Service.....	247,422
Expense and Equipment.....	<u>27,735</u>
From Department of Mental Health Federal Fund (0148)	275,157
Total (Not to exceed 48.57 F.T.E.)	\$2,651,626

SECTION 10.515. – To the Department of Mental Health

For the Division of Developmental Disabilities

For the Springfield Regional Center, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$2,666,420
Expense and Equipment.....	<u>167,975</u>
From General Revenue Fund (0101)	2,834,395

Personal Service.....	386,979
Expense and Equipment.....	<u>41,508</u>
From Department of Mental Health Federal Fund (0148)	428,487
Total (Not to exceed 60.13 F.T.E.)	\$3,262,882

SECTION 10.520. – To the Department of Mental Health

For the Division of Developmental Disabilities

For the St. Louis Regional Center, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment,

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and further provided three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$6,141,637
Expense and Equipment.....	389,385
From General Revenue Fund (0101)	6,531,022
Personal Service.....	1,106,331
Expense and Equipment.....	245,330
From Department of Mental Health Federal Fund (0148).....	1,351,661
Total (Not to exceed 141.00 F.T.E.)	\$7,882,683

SECTION 10.525. – To the Department of Mental Health

For the Division of Developmental Disabilities

For the Bellefontaine Habilitation Center, provided fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

Personal Service.....	\$11,443,735
Expense and Equipment.....	310,657
From General Revenue Fund (0101)	11,754,392
Personal Service.....	9,500,918
Expense and Equipment.....	645,659
From Department of Mental Health Federal Fund (0148).....	10,146,577

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	1,144,822
From Department of Mental Health Federal Fund (0148).....	40,507
Total (Not to exceed 459.35 F.T.E.)	\$23,086,298

SECTION 10.530. – To the Department of Mental Health

For the Division of Developmental Disabilities

For the Higginsville Habilitation Center, provided thirty percent (30%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from

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personal service to expense and equipment contingent upon the department contracting out food services	
Personal Service.....	\$6,522,294
Expense and Equipment.....	95,603
From General Revenue Fund (0101)	6,617,897
Personal Service.....	6,415,504
Expense and Equipment.....	366,652
From Department of Mental Health Federal Fund (0148)	6,782,156
For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees	
Personal Service	
From General Revenue Fund (0101)	505,888
From Department of Mental Health Federal Fund (0148)	96,572
Total (Not to exceed 333.43 F.T.E.)	\$14,002,513

SECTION 10.535. – To the Department of Mental Health

For the Division of Developmental Disabilities

For Northwest Community Services, provided thirty percent (30%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

Personal Service.....	\$11,996,779
Expense and Equipment (including \$53,625 one-time).....	507,735
From General Revenue Fund (0101)	12,504,514
Personal Service.....	12,900,573
Expense and Equipment.....	605,933
From Department of Mental Health Federal Fund (0148)	13,506,506

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	903,761
Total (Not to exceed 609.21 F.T.E.)	\$26,914,781

SECTION 10.540. – To the Department of Mental Health

For the Division of Developmental Disabilities

For the Southwest Community, provided fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the

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community or other state-operated services, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

Personal Service.....	\$4,871,162
Expense and Equipment.....	82,186
From General Revenue Fund (0101)	4,953,348

Personal Service.....	5,120,063
Expense and Equipment.....	359,978
From Department of Mental Health Federal Fund (0148)	5,480,041

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	58,587
From Department of Mental Health Federal Fund (0148)	230,054
Total (Not to exceed 238.96 F.T.E.)	\$10,722,030

SECTION 10.545. – To the Department of Mental Health

For the Division of Developmental Disabilities

For the St. Louis Developmental Disabilities Treatment Center, provided thirty percent (30%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and further provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

Personal Service.....	\$9,783,623
Expense and Equipment.....	1,908,711
From General Revenue Fund (0101)	11,692,334

Personal Service.....	12,590,692
Expense and Equipment.....	718,773
From Department of Mental Health Federal Fund (0148)	13,309,465
Total (Not to exceed 504.74 F.T.E.)	\$25,001,799

SECTION 10.550. – To the Department of Mental Health

For the Division of Developmental Disabilities

For Southeast Missouri Residential Services, provided thirty percent (30%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and further

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provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 10.575, and further provided that one-hundred percent (100%) flexibility is allowed from personal service to expense and equipment contingent upon the department contracting out food services

Personal Service.....	\$4,707,245
Expense and Equipment.....	79,563
From General Revenue Fund (0101)	4,786,808

Personal Service.....	5,274,273
Expense and Equipment.....	633,336
From Department of Mental Health Federal Fund (0148)	5,907,609

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	250,993
From Department of Mental Health Federal Fund (0148)	87,328
Total (Not to exceed 249.19 F.T.E.)	\$11,032,738

SECTION 10.555. – To the Department of Mental Health

For the Division of Developmental Disabilities

To be distributed to programs promoting basic scientific research, clinic patient research, and patient care for tuberous sclerosis complex

From General Revenue Fund (0101)	\$500,000
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SECTION 10.575. – To the Department of Mental Health

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)	\$1
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SECTION 10.576. – To the Department of Mental Health

For medical and health related services performed by any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital

From General Revenue Fund (0101)	\$0
From Federal and Other Funds (Various)	0
Total.....	\$0

SECTION 10.600. – To the Department of Health and Senior Services

For the Office of the Director

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For program operations and support, provided three percent (3%) flexibility is allowed from this section to Section 10.955	
Personal Service.....	\$310,570
Expense and Equipment.....	17,083
From General Revenue Fund (0101)	327,653
Personal Service.....	586,165
Expense and Equipment.....	66,862
From Department of Health and Senior Services Federal Fund (0143).....	653,027
Total (Not to exceed 11.00 F.T.E.)	\$980,680

SECTION 10.605. – To the Department of Health and Senior Services

For the Division of Administration

For program operations and support, provided three percent (3%) flexibility is allowed from this section to Section 10.955	
Personal Service.....	\$664,990
Expense and Equipment.....	100,711
From General Revenue Fund (0101)	765,701

For program operations and support

Personal Service.....	3,445,382
Expense and Equipment.....	1,437,050
From Department of Health and Senior Services Federal Fund (0143).....	4,882,432

Expense and Equipment	
From Nursing Facility Quality of Care Fund (0271)	330,000

Expense and Equipment	
From Health Access Incentive Fund (0276).....	50,000

Expense and Equipment	
From Mammography Fund (0293)	25,000

Personal Service.....	156,648
Expense and Equipment.....	199,900
From Missouri Public Health Services Fund (0298)	356,548

Expense and Equipment	
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565).....	30,000

Expense and Equipment	
From Department of Health and Senior Services Document Services Fund (0646).....	44,571

Expense and Equipment	
From Department of Health - Donated Fund (0658)	30,000

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Expense and Equipment	
From Putative Father Registry Fund (0780).....	25,000
Expense and Equipment	
From Organ Donor Program Fund (0824)	30,000
Expense and Equipment	
From Childhood Lead Testing Fund (0899)	5,000
Personal Service.....	351,479
Expense and Equipment.....	2,027,134
From Veterans, Health, and Community Reinvestment Fund (0608)	2,378,613
Total (Not to exceed 81.85 F.T.E.)	\$8,952,865

SECTION 10.610. – To the Department of Health and Senior Services

Funds are to be transferred out of the State Treasury, to the Health Access

Incentive Fund

From Health Initiatives Fund (0275).....	\$759,624
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SECTION 10.615. – To the Department of Health and Senior Services

For the Division of Administration

For the payment of refunds set off against debts in accordance with Section

143.786, RSMo

From Debt Offset Escrow Fund (0753).....	\$50,000
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SECTION 10.620. – To the Department of Health and Senior Services

For the Division of Administration

For refunds

From General Revenue Fund (0101)	\$50,000
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For refunds, provided fifty percent (50%) flexibility is allowed between federal
and other funds

From Department of Health and Senior Services Federal Fund (0143).....	100,000
From Nursing Facility Quality of Care Fund (0271)	9,240
From Health Access Incentive Fund (0276).....	5,000
From Mammography Fund (0293).....	1,000
From Missouri Public Health Services Fund (0298)	39,000
From Endowed Cemetery Audit Fund (0562)	2,899
From Professional and Practical Nursing Student Loan and Nurse Loan	
Repayment Fund (0565).....	2,500
From Missouri Veterans' Health and Care Fund (0606)	51,000
From Veterans, Health, and Community Reinvestment Fund (0608)	100,000
From Department of Health and Senior Services Document Services	
Fund (0646).....	10,000
From Department of Health - Donated Fund (0658)	15,133
From Criminal Record System Fund (0671).....	333
From Children's Trust Fund (0694)	13,495

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Brain Injury Fund (0742).....	100
From Missouri State Coroners' Training Fund (0846).....	1,200
From Organ Donor Program Fund (0824).....	25
From Childhood Lead Testing Fund (0899).....	<u>275</u>
Total.....	\$401,200

SECTION 10.625. – To the Department of Health and Senior Services

For the Division of Administration

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

Personal Service.....	\$125,456
Expense and Equipment.....	<u>3,000,001</u>
From Department of Health and Senior Services Federal Fund (0143).....	3,125,457
Personal Service.....	115,381
Expense and Equipment.....	<u>347,596</u>
From Department of Health - Donated Fund (0658).....	<u>462,977</u>
Total.....	\$3,588,434

SECTION 10.700. – To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Adolescent Health Program, provided three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service	
From General Revenue Fund (0101).....	\$18,805
Expense and Equipment	
From Department of Health and Senior Services Federal Fund (0143).....	133,534
From Health Initiatives Fund (0275).....	1,228

For program operations and support, provided thirty percent (30%) flexibility is allowed between personal service and expense and equipment, and provided three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	7,531,364
Expense and Equipment.....	<u>129,836</u>
From General Revenue Fund (0101).....	7,661,200

For program operations and support, provided three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	14,654,049
Expense and Equipment.....	<u>4,419,523</u>
From Department of Health and Senior Services Federal Fund (0143).....	19,073,572

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	53,499
Expense and Equipment.....	<u>5,671</u>
From Temporary Assistance for Needy Families Fund (0199)	59,170
Personal Service.....	1,230,105
Expense and Equipment.....	<u>2,926,753</u>
From Health Initiatives Fund (0275).....	4,156,858
Personal Service.....	798,578
Expense and Equipment.....	<u>172,065</u>
From Missouri Public Health Services Fund (0298)	970,643
Personal Service.....	93,099
Expense and Equipment.....	<u>68,048</u>
From Department of Health and Senior Services Document Services Fund (0646).....	161,147
Personal Service.....	87,146
Expense and Equipment.....	<u>23,785</u>
From Environmental Radiation Monitoring Fund (0656).....	110,931
Personal Service.....	226,449
Expense and Equipment.....	<u>333,830</u>
From Department of Health - Donated Fund (0658)	560,279
Personal Service.....	256,420
Expense and Equipment.....	<u>66,884</u>
From Hazardous Waste Fund (0676).....	323,304
Personal Service.....	107,515
Expense and Equipment.....	<u>27,748</u>
From Putative Father Registry Fund (0780).....	135,263
Personal Service.....	139,234
Expense and Equipment.....	<u>131,887</u>
From Organ Donor Program Fund (0824)	271,121
Personal Service.....	338,753
Expense and Equipment.....	<u>500</u>
From Child Care and Development Block Grant Federal Fund (0168).....	339,253
Expense and Equipment From Governor's Council on Physical Fitness Institution Gift Trust Fund (0924).....	<u>10,000</u>
Total (Not to exceed 417.36 F.T.E.)	\$33,986,308

SECTION 10.705. – To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For core public health functions and related expenses, provided three percent
 (3%) flexibility is allowed from this section to Section 10.955

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

Expense and Equipment	
From General Revenue Fund (0101)	\$9,672,692
From Title XXI-Children's Health Insurance Program Federal Fund (0159)	9,900,000
For the replacement of X-ray fluorescence (XRF) analyzers	
From Budget Stabilization Fund (0522)	600,000
Total	\$20,172,692

SECTION 10.710. – To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Adolescent Health Program

Expense and Equipment

From Department of Health and Senior Services Federal Fund (0143)

\$2,086,539

For the Missouri Donated Dental Services Program

Expense and Equipment

From General Revenue Fund (0101)

90,000

For the SAFE-CARE Program, including implementing a regionalized medical response to child abuse, providing daily review of cases of children less than four (4) years of age under investigation by the Missouri Department of Social Services, Children's Division, and to provide medical forensics training to medical providers and multi-disciplinary team members

From General Revenue Fund (0101)

250,000

For a grant program benefitting people living with amyotrophic lateral sclerosis (ALS) and providing case services, including respite care, care coordination, and clinical support

From General Revenue Fund (0101)

250,000

For community health programs and related expenses, provided three percent (3%) flexibility is allowed from this section to Section 10.955

From General Revenue Fund (0101)

1,863,934

From Department of Health and Senior Services Federal Fund (0143)

24,678,394

From Title XXI-Children's Health Insurance Program Federal Fund (0159)

2,133,153

From Child Care and Development Block Grant Federal Fund (0168)

394,900

From Department of Health and Senior Services Federal Stimulus Fund (2350)

224,981

From Missouri Public Health Services Fund (0298)

1,649,750

From Missouri Lead Abatement Loan Fund (0893)

1,000

Total

\$33,622,651

SECTION 10.715. – To the Department of Health and Senior Services

For the Division of Community and Public Health

For statewide distribution of opioid antagonists approved by the Food and Drug Administration

From Opioid Addiction Treatment and Recovery Fund (0705)

\$800,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 10.720. – To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Ryan White program, provided the eligible income requirement is at or

below three hundred percent (300%) of the Federal Poverty Level (FPL)

From General Revenue Fund (0101)\$6,615,117

From Department of Health and Senior Services Federal Fund (0143).....92,837,218

Personal Service

From General Revenue Fund (0101) 645,311

Personal Service..... 404,718

Expense and Equipment..... 37,069

From Department of Health and Senior Services Federal Fund (0143)..... 441,787

Total (Not to exceed 19.39 F.T.E.)\$100,539,433

***SECTION 10.721.** – To the Department of Health and Senior Services

For the Division of Community and Public Health

For the purpose of funding the purchase of rapid response testing kits for STI testing and other health outbreaks that can be done at point of care, in the field or at home to enhance access to health services in rural areas or economically depressed areas, provided that the kits have the ability to report results in no more than 48 hours, provide daily data analysis, forecasting and metrics to track infections and prescriptions filled, is HL7 compatible and can provide STI prescriptions to the state or local public health agencies

From General Revenue Fund (0101) \$500,000

*I hereby veto \$500,000 general revenue for the purchase of rapid response testing kits for STI testing or other health outbreaks. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the Department of Health and Senior Services currently purchases, ships, and provides test results for STIs. Additionally, the state has invested \$78 million in the One Health Laboratory. Current resources and future resources can handle additional STI testing. This earmark is duplicative of other tests already paid for by Missouri taxpayers.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.

From \$500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.725. – To the Department of Health and Senior Services

For the Division of Community and Public Health

For tobacco cessation services

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From General Revenue Fund (0101)	\$50,000
From Department of Health and Senior Services Federal Fund (0143)	<u>50,000</u>
Total	\$100,000

SECTION 10.730 – To the Department of Health and Senior Services

For the Division of Community and Public Health

For women's health initiatives, provided three percent (3%) flexibility is allowed
from this section to Section 10.955

Personal Service	\$70,990
Expense and Equipment	<u>180,000</u>
From General Revenue Fund (0101)	250,990

Personal Service	1,377,839
Expense and Equipment	<u>4,462,940</u>
From Department of Health and Senior Services Federal Fund (0143)	5,840,779

Expense and Equipment	
From Health Initiatives Fund (0275)	4,916

Expense and Equipment	
From Opioid Addiction Treatment and Recovery Fund (0705)	350,000

For the Show-Me Healthy Women's program in Missouri, provided three
percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment	
From General Revenue Fund (0101)	500,000
From Missouri Public Health Services Fund (0298)	20,000
From Department of Health-Donated Fund (0658)	32,548

Personal Service	473,898
Expense and Equipment	<u>1,894,453</u>
From Department of Health and Senior Services Federal Fund (0143)	2,368,351

For contracts for the Sexual Violence Victims Services, Awareness, and
Education Program

Expense and Equipment	
From Department of Health and Senior Services Federal Fund (0143)	1,287,134

For a statewide telehealth network for forensic examinations of victims of sexual
offenses

Personal Service	50,728
Expense and Equipment	<u>2,159,585</u>
From General Revenue Fund (0101)	2,210,313
Total (Not to exceed 29.72 F.T.E.)	\$12,865,031

SECTION 10.732. – To the Department of Health and Senior Services

For the Division of Community and Public Health

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the development of maternal quality control protocols to standardize practices at all birth facilities across the state, provided ten percent (10%) flexibility is allowed between appropriations within this section	
Expense and Equipment	
From General Revenue Fund (0101)	\$1,000,000
For the establishment of a perinatal health access collaborative to allow general practitioners in underserved areas to consult with medical specialists elsewhere in the state, provided ten percent (10%) flexibility is allowed between appropriations within this section	
Expense and Equipment	
From General Revenue Fund (0101)	1,500,000
For the standardization of maternal care provider trainings, including screening and treating cardiovascular disorders associated with pregnancy; and the treatment of mental health conditions or substance use disorders during and after pregnancy, provided ten percent (10%) flexibility is allowed between appropriations within this section	
Expense and Equipment	
From General Revenue Fund (0101)	500,000
For the development and implementation of best practices for postpartum plans of care, provided ten percent (10%) flexibility is allowed between appropriations within this section	
Expense and Equipment	
From General Revenue Fund (0101)	1,000,000
For the Cora Faith Walker Doula Training Grant Program	
From General Revenue Fund (0101)	500,000
For the development of a state Maternal & Child Health Dashboard, provided ten percent (10%) flexibility is allowed between appropriations within this section	
Expense and Equipment	
From General Revenue Fund (0101)	<u>350,000</u>
Total	\$4,850,000

SECTION 10.735. – To the Department of Health and Senior Services

For the Division of Community and Public Health

For Community Based Navigation Services for breast cancer screening and treatment provided by a statewide community based not-for-profit with experience supporting low to moderate income individuals who are either in need of preventative screening services for breast cancer detection and/or treatment for breast cancer

From General Revenue Fund (0101) \$500,000

SECTION 10.737. – To the Department of Health and Senior Services

For the Division of Community and Public Health

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For a not-for-profit located in a city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants to provide doula services, further provided that the Department of Health and Senior Services shall study the feasibility of and provide recommendations to the General Assembly on the establishment of a statewide program for the provision of doula services

From General Revenue Fund (0101) \$225,000

SECTION 10.739. – To the Department of Health and Senior Services

For the Division of Community and Public Health

For free health clinics located in a city with more than four hundred thousand inhabitants and located in more than one county that provide prenatal care, for the purpose of providing such care

From General Revenue Fund (0101) \$250,000

SECTION 10.740 – To the Department of Health and Senior Services

For the Division of Community and Public Health

For family planning and family planning-related services, pregnancy testing, sexually transmitted disease testing and treatment, including pap tests and pelvic exams, and follow-up services provided that none of the funds appropriated herein may be paid, granted to, or expended to directly or indirectly fund procedures or administrative functions of any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital, or for performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother, for encouraging a patient to have an abortion or referring a patient for an abortion, which is not necessary to save the life of the mother, or developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother. Such services shall be available to uninsured women who are at least eighteen (18) to fifty-five (55) years of age with a family Modified Adjusted Gross Income for the household size that does not exceed two hundred and one percent (201%) of the Federal Poverty Level (FPL) and who is a legal resident of the state

From General Revenue Fund (0101) \$3,289,091

***SECTION 10.745.** – To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Elks Mobile Dental Clinic

Expense and Equipment

From General Revenue Fund (0101) \$700,000

*I hereby veto \$500,000 general revenue for the Elks Mobile Dental Clinic. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

From \$700,000 to \$200,000 from General Revenue fund.

From \$700,000 to \$200,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.750. – To the Department of Health and Senior Services

For the Division of Community and Public Health

For supplemental nutrition programs

Expense and Equipment

From Department of Health and Senior Services Federal Fund (0143).....\$210,092,329

SECTION 10.752. – To the Department of Health and Senior Services

For the Division of Community and Public Health

For a non-profit organization located in a city with more than four hundred thousand inhabitants and located in more than one county, which rescues local food, prepares nutritious meals, and serves to address the core causes of hunger

From Temporary Assistance for Needy Families Fund (0199) \$250,000

SECTION 10.755. – To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Office of Rural Health and Primary Care

Personal Service..... \$966,379

Expense and Equipment..... 361,914

From Department of Health and Senior Services Federal Fund (0143)..... 1,328,293

Personal Service..... 119,948

Expense and Equipment..... 14,450

From Health Initiatives Fund (0275)..... 134,398

Personal Service..... 93,439

Expense and Equipment..... 8,900

From Professional and Practical Nursing Student Loan and Nurse Loan

Repayment Fund (0565)..... 102,339

For other Office of Rural Health and Primary Care programs and related expenses

Expense and Equipment

From Department of Health and Senior Services Federal Fund (0143)..... 1,761,607

From Department of Health-Donated Fund (0658)..... 655,000

Total (Not to exceed 15.20 F.T.E.)\$3,981,637

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 10.760. – To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For the Primary Care Resource Initiative Program (PRIMO), Financial Aid to
 Medical Students, and Loan Repayment Programs
 Personal Service

From Department of Health and Senior Services Federal Stimulus - 2021 Fund (2457).....	\$36,543
Expense and Equipment	
From General Revenue Fund (0101)	1,500,000
From Department of Health and Senior Services Federal Fund (0143).....	425,000
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	644,588
From Health Access Incentive Fund (0276).....	650,000
From Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund (0565).....	650,000
From Department of Health - Donated Fund (0658).....	1,031,790
Total.....	\$4,937,921

SECTION 10.765. – To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For the Office of Minority Health
 For a rural primary care physician grant program, provided qualifying primary
 care physicians begin practice in a Missouri county with fewer than
 thirty-five thousand inhabitants after July 1, 2022, further provided prior to
 the receipt of a grant award, qualifying primary care physicians agree to
 reside and practice as a primary care physician in said county for a
 continuous five-year period and to reimburse any grant award received for a
 breach of the requirements of this section

From General Revenue Fund (0101)	\$200,000
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SECTION 10.766. – To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For medical residency program grants for specialty areas of psychiatry,
 pediatrics, internal medicine, family practice, and obstetrics and gynecology
 and for associated costs to support the residency training programs,
 including but not limited to, costs of teaching physician salaries; provided
 that such grants shall not exceed \$100,000 annually per new residency slot;
 and further provided that grants be made available to any provider and
 setting accredited by the Accreditation Council for Graduate Medical
 Education (ACGME)

Personal Service.....	\$63,999
Expense and Equipment.....	2,300,000
From General Revenue Fund (0101) (Not to exceed 1.00 F.T.E.)	\$2,363,999

SECTION 10.770. – To the Department of Health and Senior Services
 For the Division of Community and Public Health

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

For the Office of Minority Health

For program operations and support, provided three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	\$238,765
Expense and Equipment.....	<u>194,662</u>
From General Revenue Fund (0101)	433,427

Personal Service

From Department of Health and Senior Services Federal Fund (0143).....	<u>39,128</u>
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Total (Not to exceed 4.48 F.T.E.)	\$472,555
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SECTION 10.775 – To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Office of Emergency Coordination, provided \$1,000,000 be used to assist in maintaining the Poison Control Hotline

From General Revenue Fund (0101)	\$500,000
From Insurance Dedicated Fund (0566).....	500,000

Personal Service.....	2,144,654
Expense and Equipment and Program Distribution	<u>11,530,691</u>
From Department of Health and Senior Services Federal Fund (0143).....	13,675,345

To address coronavirus preparedness and response, provided ten percent (10%) flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section

Personal Service.....	1,154,173
Expense and Equipment.....	<u>32,376,942</u>
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	33,531,115

To provide coronavirus mitigation efforts, including, but not limited to, testing, tracing, reporting, and related expenses, provided ten percent (10%) flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section

Personal Service.....	10,660,227
Expense and Equipment.....	<u>324,090,340</u>
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	334,750,567

For detection and mitigation of COVID-19 in confinement facilities, provided ten (10%) percent flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section

Personal Service.....	61,373
Expense and Equipment.....	<u>8,480,059</u>
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	8,541,432

For Epidemiology Laboratory Capacity - Advanced Molecular Detection - Public Health Lab Preparedness, provided ten (10%) percent flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From Department of Health and Senior Services Federal Stimulus - 2021 Fund (2457)	4,634,965
For Public Health Workforce Development, provided ten (10%) percent flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section	
Personal Service.....	234,851
Expense and Equipment.....	<u>37,983,085</u>
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	38,217,936
For the detection and mitigation of COVID-19 in homeless service sites and other congregate living facilities, provided ten (10%) percent flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section	
Personal Service.....	113,169
Expense and Equipment.....	<u>1,615,681</u>
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	1,728,850
For the distribution of COVID-19 immunizations with a focus on reaching unserved, rural, and ethnic minority populations, provided ten (10%) percent flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section	
Personal Service.....	98,522
Expense and Equipment.....	<u>34,376,176</u>
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	34,474,698
For the Small Rural Hospital Improvement Program, provided ten (10%) percent flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section	
Expense and Equipment	
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	8,681,434
For the Nursing Home and Long-Term Care Facility Strike Team Initiative, provided ten (10%) percent flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section	
Personal Service.....	328,777
Expense and Equipment.....	<u>7,502,916</u>
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	7,831,693
For Strengthening Healthcare Associated Infections and Antibiotic Resistance Program Capacity, provided ten (10%) percent flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section	

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	567,211
Expense and Equipment.....	<u>3,685,803</u>
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	4,253,014
For travel-related public health initiatives, provided ten (10%) percent flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section	
Expense and Equipment	
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	<u>498,750</u>
Total (Not to exceed 78.02 F.T.E.)	\$491,819,799

SECTION 10.780. – To the Department of Health and Senior Services

For the Division of Community Health and Senior Services

To enable schools to establish COVID-19 screening testing programs to
support and maintain in-person learning, provided ten percent (10%)
flexibility is allowed between American Rescue Plan Act of 2021 grant
programs in this section

Personal Service.....	\$188,112
Expense and Equipment.....	<u>184,589,795</u>
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	184,777,907

To provide COVID-19 mitigation and prevention efforts, including, but not
limited to, testing, vaccinations, reporting, and public health workforce
enhancement, provided ten percent (10%) flexibility is allowed between
American Rescue Plan Act of 2021 grant programs in this section

Personal Service.....	951,682
Expense and Equipment.....	<u>48,549,853</u>
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	49,501,535

For the Disease Intervention Specialist Program to prevent the spread of
COVID-19 and other infectious diseases among vulnerable communities,
provided ten percent (10%) flexibility is allowed between American Rescue
Plan Act of 2021 grant programs in this section

Personal Service.....	151,815
Expense and Equipment.....	<u>3,697,407</u>
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	3,849,222

For a program to monitor the health of infants with congenital exposure to
COVID-19 and other diseases, provided ten percent (10%) flexibility is
allowed between American Rescue Plan Act of 2021 grant programs in this
section

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service	
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	87,664
For immunization information systems, provided ten percent (10%) flexibility is allowed between American Rescue Plan Act of 2021 grant programs in this section	
Personal Service.....	168,132
Expense and Equipment.....	999,317
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	1,167,449
For the maintenance and enhancement of health information systems, provided ten percent (10%) flexibility is allowed between American Rescue Plan Act of 2021 grant	
Expense and Equipment	
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	108,144
Total (Not to exceed 5.00 F.T.E.)	\$239,491,921
SECTION 10.785. – To the Department of Health and Senior Services For the Division of Community and Public Health For emergency funding of an outbreak response From Missouri Public Health Services Fund (0298)	\$300,000
SECTION 10.790 – To the Department of Health and Senior Services For the Division of Community and Public Health For coroner trainings provided by the Missouri Coroners' and Medical Examiners' Association From Missouri State Coroners' Training Fund (0846)	\$355,482
SECTION 10.795. – To the Department of Health and Senior Services For the State Public Health Laboratory, including providing newborn screening services on weekends and holidays, provided three percent (3%) flexibility is allowed from this section to Section 10.955	
Personal Service.....	\$2,356,021
Expense and Equipment.....	870,034
From General Revenue Fund (0101)	3,226,055
Personal Service.....	1,262,010
Expense and Equipment.....	2,298,208
From Department of Health and Senior Services Federal Fund (0143).....	3,560,218
Personal Service.....	2,077,479
Expense and Equipment.....	5,916,124
From Missouri Public Health Services Fund (0298)	7,993,603

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	124,307
Expense and Equipment.....	<u>473,674</u>
From Safe Drinking Water Fund (0679)	597,981

Expense and Equipment	
From Childhood Lead Testing Fund (0899)	65,017

Personal Service.....	438,792
Expense and Equipment.....	<u>3,321,549</u>
From Veterans, Health, and Community Reinvestment Fund (0608)	<u>3,760,341</u>
Total (Not to exceed 112.51 F.T.E.)	\$19,203,215

SECTION 10.800 – To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For program operations and support, provided three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	\$13,366,950
Expense and Equipment.....	<u>1,139,283</u>
From General Revenue Fund (0101)	14,506,233

Personal Service.....	14,935,329
Expense and Equipment.....	<u>1,422,820</u>
From Department of Health and Senior Services Federal Fund (0143).....	16,358,149

Expense and Equipment	
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	436,098

For Medicaid Home and Community-Based Services Program reassessments, provided three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	786,143
Expense and Equipment.....	<u>933,167</u>
From General Revenue Fund (0101)	1,719,310

Personal Service.....	786,142
Expense and Equipment.....	<u>2,717,585</u>
From Department of Health and Senior Services Federal Fund (0143).....	3,503,727

Expense and Equipment	
From HCBS FMAP Enhancement Fund (2444)	1,784,417
From Health Initiatives Fund (0275).....	<u>31,150</u>
Total (Not to exceed 611.69 F.T.E.)	\$38,339,084

SECTION 10.805. – To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For non-Medicaid reimbursable senior and disability programs, provided three percent (3%) flexibility is allowed from this section to Section 10.955

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From General Revenue Fund (0101)	\$705,145
From Department of Health and Senior Services Federal Fund (0143).....	167,028
From Department of Health and Senior Services Federal Stimulus	
Funds (2350)	850,370
Personal Service.....	352,127
Expense and Equipment.....	<u>3,200,993</u>
From Department of Health and Senior Services Federal Stimulus-	
2021 Fund (2457)	3,553,120
For special health care needs programs, provided three percent (3%) flexibility	
is allowed from this section to Section 10.955	
Expense and Equipment	
From General Revenue Fund (0101)	1,834,778
From Department of Health and Senior Services Federal Fund (0143).....	1,337,185
From Children's Special Health Care Needs Service Fund (0950)	30,000
From Brain Injury Fund (0742).....	974,900
From C & M Smith Memorial Endowment Trust Fund (0873)	<u>10,000</u>
Total.....	\$9,462,526

SECTION 10.810. – To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For providing consumer directed personal care assistance services at a rate not to exceed sixty percent (60%) of the average monthly Medicaid cost of nursing facility care, including payments to providers for value-based payment initiatives, provided ten percent (10%) flexibility is allowed between this section and Section 10.815 to allow flexibility within the Medicaid Home and Community Based Services Program

Expense and Equipment	
From General Revenue Fund (0101)	\$238,198,656
From Department of Health and Senior Services Federal Fund (0143).....	488,685,337
From HCBS FMAP Enhancement Fund (2444)	<u>13,492,247</u>
Total.....	\$740,376,240

SECTION 10.815. – To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For respite care, homemaker chore, personal care, adult day care, AIDS, children's waiver services, home-delivered meals, Programs of All Inclusive Care for the Elderly, the Structured Family Caregiver Waiver, Brain Injury Waiver, other related services, and program management under the Medicaid fee-for-service and managed care programs, including payments to providers for value-based payment initiatives. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030

and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs, provided ten percent (10%) flexibility is allowed between this section and Section 10.810 to allow flexibility within the Medicaid Home and Community Based Services Program, and further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by 19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute

Expense and Equipment

From General Revenue Fund (0101)	\$231,269,683
From Department of Health and Senior Services Federal Fund (0143).....	485,324,991
From HCBS FMAP Enhancement Fund (2444)	<u>18,578,448</u>
Total.....	\$735,173,122

SECTION 10.820. – To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For home and community based services enhancements

From Department of Health and Senior Services Federal Fund (0143).....	\$8,791,823
From HCBS FMAP Enhancement Fund (2444)	<u>4,642,651</u>
Total.....	\$13,434,474

SECTION 10.825. – To the Department of Health and Senior Services

For the Division of Senior and Disability Services

Funds are to be transferred out of the State Treasury to the Senior Services

Growth and Development Program Fund

From General Revenue Fund (0101) (including \$24,600,000 one-time).....	\$32,600,001
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***SECTION 10.830.** – To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For Home and Community Services grants to be distributed to the Area Agency on Aging, provided ten percent (10%) flexibility is allowed between these services and meal services, and further provided three percent (3%) flexibility is allowed from this section to Section 10.955

From General Revenue Fund (0101)	\$2,074,704
From Department of Health and Senior Services Federal Fund (0143).....	27,544,641
From Department of Health and Senior Services Federal Stimulus - 2021 Fund (2457)	20,000,000
From Senior Services Growth and Development Program Fund (0419).....	<u>2,500,001</u>

For distributions to the Area Agencies on Aging, in accordance with Section 192.385, RSMo, which requires the deposit of a portion of the premium tax collected under Sections 148.320 and 148.370, RSMo, to the Senior Services Growth and Development Program Fund

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Senior Services Growth and Development Program Fund (0419) (including \$20,100,000 one-time)	30,100,000
For statewide implementation of the Give 5 program in partnership with the Missouri Association of Area Agencies on Aging From General Revenue Fund (0101)	1,000,000
For expansion of Area Agency on Aging meal production capacity and infrastructure From Budget Stabilization Fund (0522) (one-time)	15,100,000
For meals to be distributed to each Area Agency on Aging, provided that at least \$500,000 of general revenue be used for non-Medicaid meals to be distributed to each Area Agency on Aging in proportion to the actual number of meals served during the preceding fiscal year, provided ten percent (10%) flexibility is allowed between these services and grant services, and further provided three percent (3%) flexibility is allowed from this section to Section 10.955 Expense and Equipment From General Revenue Fund (0101)	9,731,016
From Department of Health and Senior Services Federal Fund (0143).....	6,955,359
From Elderly Home-Delivered Meals Trust Fund (0296)	62,958
For the Ombudsman Program operated by the Area Agencies on Aging or their service providers Expense and Equipment From General Revenue Fund (0101)	2,350,000
Personal Service.....	268,160
Expense and Equipment.....	<u>219,442</u>
From Department of Health and Senior Services Federal Stimulus- 2021 Fund (2457)	487,602
Total.....	\$117,906,281

*I hereby veto \$2,200,000 general revenue for the long-term care ombudsman program. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while this program's focus on ensuring the health and well-being of seniors is commendable, there is funding elsewhere in the budget to meet the needs of this program, particularly clarified language on the spending authority of the \$32.6 million Senior Services Growth and Development Program Fund and appropriate General Revenue transfer to support Area Agencies on Aging.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Ombudsman Program operated by the Area Agencies on Aging or their service providers.
 From \$2,350,000 to \$150,000 from General Revenue Fund.
 From \$117,906,281 to \$115,706,281 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 10.831.** – To the Department of Health and Senior Services
 For the Division of Senior and Disability Services

For the purpose of funding transportation needs for a non-profit corporation in any county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants and with a county seat with more than one thousand nine hundred but fewer than two thousand three hundred inhabitants that provides food distribution services, one time assistance, and other emergency services

From the Senior Services Growth and Development Program Fund (0419)..... \$50,000

*I hereby veto \$50,000 Senior Services Growth and Development Program Fund for the Texas County Food Pantry. While this funding would support an important service, especially for seniors in rural areas, the Department of Health and Senior Services is subject to state laws set forth in Section 192.385, RSMo. This section requires all Senior Services Growth and Development Program Funds to follow a formula to support ten specific Area Agencies on Aging across Missouri which excludes the Texas County Food Pantry.

Said section is vetoed in its entirety from \$50,000 to \$0 from Senior Services Growth and Development Program Fund.
 From \$50,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 10.835. – To the Department of Health and Senior Services
 For the Division of Senior and Disability Services

For Alzheimer's program grants to be used by organizations serving individuals with Alzheimer's disease and their caregivers as well as providing statewide respite assistance and support programs to Missouri families to ease burden, enhance quality of life, and reduce the number of persons with Alzheimer's disease who are prematurely or unnecessarily institutionalized, provided three percent (3%) flexibility is allowed from this section to Section 10.955

From General Revenue Fund (0101) \$1,000,000

For caregiver training programs which include in-home visits that delay the institutionalization of persons with dementia

From General Revenue Fund (0101) 100,000

Total..... \$1,100,000

SECTION 10.840. – To the Department of Health and Senior Services
 For the Division of Senior and Disability Services

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

For senior independent living programs that support seniors aging in place in communities with a high concentration of older adults, provided three percent (3%) flexibility is allowed from this section to Section 10.955
 From General Revenue Fund (0101) \$400,000

SECTION 10.845. – To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For providing naturalization assistance to refugees and/or legal immigrants who: have resided in Missouri more than five years, are unable to benefit or attend classroom instruction, and who require special assistance to successfully attain the requirements to become a citizen. Services may include direct tutoring, assistance with identifying and completing appropriate waiver requests to the Immigration and Customs Enforcement agency, and facilitating proper documentation. The department shall award a contract under this section to a qualified not-for-profit organization which can demonstrate its ability to work with this population. A report shall be compiled for the General Assembly evaluating the program's effectiveness in helping senior refugees and immigrants in establishing citizenship and their ability to qualify individuals for Medicare
 From General Revenue Fund (0101) \$200,000

SECTION 10.900. – To the Department of Health and Senior Services

For the Division of Regulation and Licensure

For program operations and support, provided three percent (3%) flexibility is allowed from this section to Section 10.955
 Personal Service..... \$9,679,484
 Expense and Equipment (including \$630,157 one-time) 2,972,987
 From General Revenue Fund (0101) 12,652,471

Personal Service..... 12,552,213
 Expense and Equipment (including \$2,000,000 one-time) 3,121,737
 From Department of Health and Senior Services Federal Fund (0143)..... 15,673,950

Personal Service..... 818,815
 Expense and Equipment (including \$1,150,834 one-time) 1,457,463
 From Department of Health and Senior Services Federal Stimulus Fund (2350)..... 2,276,278

Personal Service..... 1,101,394
 Expense and Equipment..... 281,663
 From Nursing Facility Quality of Care Fund (0271)..... 1,383,057

Personal Service..... 80,280
 Expense and Equipment..... 13,121
 From Mammography Fund (0293)..... 93,401

For nursing home quality initiatives

Expense and Equipment
 From Nursing Facility Reimbursement Allowance Fund (0196)..... 725,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

For the Bureau of Narcotics and Dangerous Drugs operations and support	
Personal Service.....	292,974
Expense and Equipment.....	<u>4,682</u>
From General Revenue Fund (0101)	297,656
Personal Service.....	93,540
Expense and Equipment.....	<u>11,114</u>
From Health Access Incentive Fund (0276).....	104,654
For the Bureau of Narcotics and Dangerous Drugs for a Physician Prescription Monitoring Program	
Personal Service.....	266,451
Expense and Equipment.....	<u>136,122</u>
From General Revenue Fund (0101)	402,573
For expending Civil Monetary Penalty funding on federally approved nursing facility activities and projects	
Expense and Equipment	
From Nursing Facility Quality of Care Fund (0271)	5,000,000
For the Time Critical Diagnosis Unit	
Personal Service.....	418,834
Expense and Equipment.....	<u>356,724</u>
From General Revenue Fund (0101)	<u>775,558</u>
Total (Not to exceed 387.53 F.T.E.)	\$39,384,598

SECTION 10.901. – To the Department of Health and Senior Services

For the Division of Regulation and Licensure	
For the Quality Improvement Program for Missouri (QIPMO) to provide technical assistance to nursing homes	
From General Revenue Fund (0101)	\$325,000
From Nursing Facility Reimbursement Allowance Fund (0196).....	<u>1,134,926</u>
Total	\$1,459,926

SECTION 10.905. – To the Department of Health and Senior Services

For the Division of Cannabis Regulation	
For adult use cannabis program operations and support, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$8,576,714
Expense and Equipment.....	<u>5,574,372</u>
From Veterans, Health, and Community Reinvestment Fund (0608)	14,151,086

For grants to agencies and not-for-profit organizations, whether government or community-based, to increase access to evidence-based low-barrier drug addiction treatment, prioritizing medically proven treatment and overdose prevention and reversal methods and public or private treatment options with an emphasis on reintegrating recipients into their local communities; to support overdose prevention education; and to support job placement,

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Matter in bold-face type is proposed language.

housing, and counseling for those with substance use disorders. When evaluating grant applications, agencies and organizations serving populations with the highest rates of drug-related overdose shall be prioritized to receive the grants	
From Health Reinvestment Fund (0640).....	1,278,973
For medical marijuana program operations and support, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	2,302,684
Expense and Equipment.....	9,401,945
From Missouri Veterans' Health and Care Fund (0606).....	11,704,629
For the Medical Marijuana Opportunities program to provide support to facilitate the inclusion of individuals in Missouri's medical marijuana industry who have been negatively and disproportionately impacted by marijuana criminalization and poverty	
Expense and Equipment	
From Missouri Veterans' Health and Care Fund (0606).....	200,000
Total (Not to exceed 157.50 F.T.E.)	\$27,334,688

SECTION 10.910. – To the Department of Health and Senior Services

Funds are to be transferred out of the State Treasury, for health and care services for military veterans as provided by Article XIV, Section 1 of the Missouri Constitution, to the Missouri Veterans' Homes Fund	
From Missouri Veterans' Health and Care Fund (0606).....	\$13,000,000
Funds are to be transferred out of the State Treasury, for health and care services for military veterans as provided by Article XIV, Section 2 of the Missouri Constitution, to the Veterans Reinvestment Fund	
From Veterans, Health, and Community Reinvestment Fund (0608)	1,278,973
Funds are to be transferred out of the State Treasury, for substance abuse disorder treatment and education programs as provided by Article XIV, Section 2 of the Missouri Constitution, to the Health Reinvestment Fund	
From Veterans, Health, and Community Reinvestment Fund (0608)	1,278,973
Funds are to be transferred out of the State Treasury, for public defenders as provided by Article XIV, Section 2 of the Missouri Constitution, to the Public Defender Reinvestment Fund	
From Veterans, Health, and Community Reinvestment Fund (0608)	1,278,973
Total.....	\$16,836,919

SECTION 10.955. – To the Department of Health and Senior Services

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund	
From General Revenue Fund (0101)	\$1

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 10.956. – To the Department of Health and Senior Services

For medical and health related services performed by any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital

From General Revenue Fund (0101)	\$0
From Federal and Other Funds (Various)	0
Total.....	\$0

PART 2**SECTION 10.1000.** – To the Department of Mental Health and the Department of Health and Senior Services

In reference to Sections 10.105, 10.110, and 10.115 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2023, with the exception of the following: revenue maximization initiatives; increases in the contracted base rate for supported community living provided by Residential Care Facilities and Intermediate Care Facilities resulting from a Cost-of-Living Adjustment to Supplemental Security Income benefits; Certified Community Behavioral Health Clinics, for which no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health, with the exception of revenue maximization initiatives; Value Based Payments; cost-based and actuarially sound rate changes for Comprehensive Substance Treatment and Rehabilitation (CSTAR) programs; providers of children's residential services classified as an Institution of Mental Disease (IMD) Qualified Residential Treatment Program (QRTP), for which no funds shall be expended in furtherance of rates greater than: \$169.16 per day for Level II, \$184.63 per day for Level III, and \$221.68 per day for Level IV; and providers of children's residential treatment services classified as a non-IMD QRTP, for which no funds shall be expended in furtherance of rates greater than: \$194.47 per day for Level II, \$239.16 per day for Level III, \$253.80 per day for Level IV.

SECTION 10.1005. – To the Department of Health and Senior Services

In reference to Sections 10.900 of Part 1 of this act:

No funds shall be expended for Certified Nursing Assistant (CNA) training reimbursement greater than \$1,500 per enrollee.

SECTION 10.1010. – To the Department of Mental Health and the Department of Health and Senior Services

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

PART 3

SECTION 10.1105. – To the Department of Mental Health and the Department of Health and Senior Services

In reference to all sections, except Section 10.576 and Section 10.956, in Part 1 and Part 2 of this act:

No funds shall be expended to any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital.

Department of Mental Health Totals

General Revenue Fund.....	\$1,434,429,662
Federal Funds.....	2,743,293,542
Other Funds.....	56,205,508
Total.....	\$4,233,928,712

Department of Health and Senior Services Totals

General Revenue Fund.....	\$601,852,073
Federal Funds.....	2,255,102,528
Other Funds.....	67,007,382
Total.....	\$2,923,961,983

Approved June 30, 2023

CCS SCS HCS HB 11

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Social Services

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

PART 1

SECTION 11.000. – Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Social Services in implementing the appropriations found in Part 1 and Part 2 of this act. An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an appropriation identified as “one-time” in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

SECTION 11.005. – To the Department of Social Services

For the Office of the Director

For the Director's Office, provided three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$120,401
Annual salary adjustment in accordance with Section 105.005, RSMo.....	24,745
Expense and Equipment.....	<u>33,601</u>
From General Revenue Fund (0101)	178,747
Personal Service	
From Child Care and Development Block Grant Federal Fund (0168).....	399
Personal Service.....	171,495
Annual salary adjustment in accordance with Section 105.005, RSMo.....	3,242
Expense and Equipment.....	<u>1,197</u>
From Department of Social Services Federal Fund (0610).....	175,934
Personal Service.....	34,597
Annual salary adjustment in accordance with Section 105.005, RSMo.....	<u>2,614</u>
From Child Support Enforcement Fund (0169).....	<u>37,211</u>
Total (Not to exceed 2.93 F.T.E.).....	\$392,291

SECTION 11.010. – To the Department of Social Services

For the Office of the Director

For the Director's Office, Children's Division Residential Program Unit

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For administrative expenses	
Personal Service.....	\$1,211,722
Expense and Equipment.....	150,882
From General Revenue Fund (0101).....	1,362,604
Personal Service.....	493,581
Expense and Equipment.....	15,519
From Department of Social Services Federal Fund (0610).....	509,100
Total (Not to exceed 32.00 F.T.E.)	\$1,871,704

SECTION 11.015. – To the Department of Social Services

For the Office of the Director

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

From Department of Social Services Federal Fund (0610).....	\$2,000,000
From Family Services Donations Fund (0167).....	33,999
Total.....	\$2,033,999

SECTION 11.017. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the OA Information

Technology Federal Fund

From Child Care and Development Block Grant Federal Fund (0168).....	\$1,616,328
From Department of Social Services Federal Fund (0610).....	19,344,000
Total.....	\$20,960,328

SECTION 11.020. – To the Department of Social Services

For the Office of the Director

For the Human Resources Center, provided three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$329,629
Expense and Equipment.....	11,062
From General Revenue Fund (0101).....	340,691

Personal Service

From Temporary Assistance for Needy Families Federal Fund (0199).....	25,773
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Personal Service..... 218,069

Expense and Equipment..... 29,831

From Department of Social Services Federal Fund (0610).....	247,900
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Total (Not to exceed 10.50 F.T.E.)	\$614,364
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SECTION 11.025. – To the Department of Social Services

For the Office of the Director

For the State Technical Assistance Team (STAT)

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the prevention and investigation of child abuse, child neglect, child sexual abuse, child exploitation/pornography or child fatality cases, as described in Sections 660.520 to 660.528, RSMo, and for administrative expenses, provided five percent (5%) flexibility is allowed between personal service and expense and equipment; and further provided three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$1,562,271
Expense and Equipment.....	<u>223,512</u>
From General Revenue Fund (0101) (Not to exceed 27.50 F.T.E.)	\$1,785,783

SECTION 11.030. – To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit, provided five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$1,815,973
Expense and Equipment (including \$49,105 one-time).....	<u>449,136</u>
From General Revenue Fund (0101)	2,265,109

Personal Service.....	2,255,367
Expense and Equipment.....	<u>930,806</u>
From Department of Social Services Federal Fund (0610) (including \$30,338 one-time).....	3,186,173

Expense and Equipment	
From Recovery Audit and Compliance Fund (0974).....	82,087

Personal Service.....	328,460
Expense and Equipment.....	<u>141,946</u>
From Medicaid Provider Enrollment Fund (0990).....	470,406

Personal Service.....	13,582
Expense and Equipment.....	<u>4,095</u>
From FMAP Enhancement - Expansion Fund (2466)	17,677
Total (Not to exceed 90.05 F.T.E.)	\$6,021,452

SECTION 11.035. – To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit

For a case management, provider enrollment, and fraud abuse and detection system, provided three percent (3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment	
From General Revenue Fund (0101)	\$1,117,552
From Department of Social Services Federal Fund (0610).....	<u>5,882,448</u>
Total.....	\$7,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.037. – To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit

For the design, development, implementation, and maintenance and operation
costs for a Medicaid provider enrollment system

Expense and Equipment

From General Revenue Fund (0101) (one-time)\$2,650,000

From Department of Social Services Federal Fund (0610) (one-time) 23,850,000

Total.....\$26,500,000

SECTION 11.040. – To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit

For recovery audit services

Expense and Equipment

From Recovery Audit and Compliance Fund (0974).....\$1,200,000

SECTION 11.045. – To the Department of Social Services

For the Division of Finance and Administrative Services, provided three percent

(3%) flexibility is allowed from this section to Section 11.950

Personal Service.....\$2,340,237

Expense and Equipment..... 382,475

From General Revenue Fund (0101)2,722,712

Personal Service.....1,397,737

Expense and Equipment..... 251,218

From Department of Social Services Federal Fund (0610).....1,648,955

Personal Service.....5,084

Expense and Equipment..... 317

From Department of Social Services Administrative Trust Fund (0545)5,401

Personal Service.....59,423

Expense and Equipment..... 750

From Child Support Enforcement Fund (0169).....60,173

For the centralized inventory system, for reimbursable goods and services
provided by the department, and for related equipment replacement and
maintenance expenses

From Department of Social Services Administrative Trust Fund (0545)1,200,000

Total (Not to exceed 55.02 F.T.E.)\$5,637,241

SECTION 11.050. – To the Department of Social Services

For the Division of Finance and Administrative Services

For the Child Welfare Eligibility Unit

For administrative expenses, provided five percent (5%) flexibility is allowed
between personal service and expense and equipment

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$788,943
Expense and Equipment.....	<u>21,287</u>
From General Revenue Fund (0101)	810,230

Personal Service.....	681,427
Expense and Equipment.....	<u>18,964</u>
From Department of Social Services Federal Fund (0610).....	<u>700,391</u>
Total (Not to exceed 35.00 F.T.E.)	\$1,510,621

SECTION 11.055. – To the Department of Social Services

For the Division of Finance and Administrative Services

For the payment of fees to contractors who engage in revenue maximization projects on behalf of the Department of Social Services and the General Assembly

From Department of Social Services Federal Fund (0610).....	\$2,750,000
From Temporary Assistance for Needy Families Federal Fund (0199).....	<u>250,000</u>
Total.....	\$3,000,000

SECTION 11.060. – To the Department of Social Services

For the Division of Finance and Administrative Services

For the receipt and disbursement of refunds and incorrectly deposited receipts to allow the over-collection of accounts receivables to be paid back to the recipient, provided ten percent (10%) flexibility is allowed between federal and other funds within this section

From Victims of Crime Act Federal Fund (0146)	\$300,000
From Title XXI - Children's Health Insurance Program Federal Fund (0159).....	1,500,000
From Title XIX - Federal Fund (0163).....	10,250,000
From Child Care and Development Block Grant Federal Fund (0168).....	25,000
From Federal and Other Fund (0189).....	1,500,000
From Temporary Assistance for Needy Families Federal Fund (0199).....	27,000
From Title XIX - Adult Expansion Federal Fund (0358)	450,000
From Department of Social Services Federal Fund (0610).....	5,000,000
From Pharmacy Rebates Fund (0114).....	25,000
From Third Party Liability Collections Fund (0120).....	369,000
From Medicaid Stabilization Fund (0809)	450,000
From Premium Fund (0885).....	5,500,000
From Department of Social Services Federal Stimulus Fund (2355).....	450,000
From Department of Social Services Federal Stimulus - 2021 Fund (2456)	900,000
From FMAP Enhancement - Expansion Fund (2466)	<u>450,000</u>
Total.....	\$27,196,000

SECTION 11.065. – To the Department of Social Services

For the Division of Finance and Administrative Services

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For payments to counties and the City of St. Louis toward the care and maintenance of each delinquent or dependent child as provided in Section 211.156, RSMo, provided three percent (3%) flexibility is allowed from this section to Section 11.950	
From General Revenue Fund (0101)	\$1,171,980
SECTION 11.070. – To the Department of Social Services	
For the Division of Legal Services, provided three percent (3%) flexibility is allowed from this section to Section 11.950	
Personal Service	\$2,417,157
Expense and Equipment (including \$3,227 one-time)	119,464
From General Revenue Fund (0101)	2,536,621
Personal Service	
From Child Care and Development Block Grant Federal Fund (0168)	57,339
Personal Service	685,860
Expense and Equipment	230,547
From Temporary Assistance for Needy Families Federal Fund (0199)	916,407
Personal Service	2,121,434
Expense and Equipment	166,235
From Department of Social Services Federal Fund (0610)	2,287,669
Personal Service	660,239
Expense and Equipment	91,057
From Third Party Liability Collections Fund (0120)	751,296
Personal Service	
From Child Support Enforcement Fund (0169)	171,617
Total (Not to exceed 105.42 F.T.E.)	\$6,720,949

SECTION 11.075. – To the Department of Social Services

For the Division of Legal Services

For permanency attorneys and permanency attorney contracted services, including reunification, guardianship, adoption, or termination of parental rights, for children in the care, custody, or involved with the Children's Division, provided twenty five percent (25%) flexibility is allowed from expense and equipment to personal service, and further provided fifty percent (50%) flexibility is allowed from personal service to expense and equipment	
Personal Service	\$3,360,527
Expense and Equipment (including \$87,139 one-time)	2,469,969
From General Revenue Fund (0101)	5,830,496
Personal Service	
From Temporary Assistance for Needy Families Federal Fund (0199)	236,427

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Matter in bold-face type is proposed language.

Personal Service.....	1,683,936
Expense and Equipment (including \$25,806 one-time).....	<u>1,739,926</u>
From Department of Social Services Federal Fund (0610).....	3,423,862

Personal Service	
From Third Party Liability Collections Fund (0120).....	62,899

Personal Service	
From Child Support Enforcement Fund (0169).....	13,490

For Title IV-E reimbursements to counties, the City of St. Louis, and other organizations who receive public dollars for the legal representation of parents and children in juvenile or family courts	
From Department of Social Services Federal Fund (0610).....	600,000

For non-recurring adoption or legal guardianship expenses related to permanency, including but not limited to: reasonable and necessary adoption fees, court costs, attorney fees and other expenses which are directly related to the legal adoption or legal guardianship	
From General Revenue Fund (0101)	2,019,345
From Temporary Assistance for Needy Families Federal Fund (0199).....	408,177
From Department of Social Services Federal Fund (0610).....	826,778

For a program to provide legal representation for parents of children who are the subject of child abuse and neglect investigations under Chapter 210 and potential court proceedings under Chapter 211	
From Department of Social Services Federal Fund (0610).....	<u>150,000</u>
Total (Not to exceed 69.00 F.T.E.)	\$13,571,474

SECTION 11.100. – To the Department of Social Services

For the Family Support Division, provided three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$1,962,779
Expense and Equipment.....	<u>24,911</u>
From General Revenue Fund (0101)	1,987,690

Personal Service.....	214,708
Expense and Equipment.....	<u>25,000</u>
From Child Care and Development Block Grant Federal Fund (0168).....	239,708

Personal Service.....	1,050,954
Expense and Equipment.....	<u>500,355</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,551,309

Personal Service.....	4,947,342
Expense and Equipment.....	<u>6,131,794</u>
From Department of Social Services Federal Fund (0610).....	11,079,136

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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Personal Service	
From Child Support Enforcement Fund (0169).....	623,565
Total (Not to exceed 155.80 F.T.E.)	\$15,481,408
SECTION 11.105. – To the Department of Social Services	
For the Family Support Division	
For the income maintenance field staff and operations, provided three percent	
(3%) flexibility is allowed from this section to Section 11.950	
Personal Service.....	\$26,252,350
Expense and Equipment.....	746,108
From General Revenue Fund (0101)	26,998,458
Personal Service.....	3,340,244
Expense and Equipment.....	300,556
From Child Care and Development Block Grant Federal Fund (0168).....	3,640,800
Personal Service.....	668,916
Expense and Equipment.....	94,726
From Temporary Assistance for Needy Families Federal Fund (0199).....	763,642
Personal Service.....	40,630,334
Expense and Equipment.....	11,777,783
From Department of Social Services Federal Fund (0610).....	52,408,117
Personal Service.....	808,116
Expense and Equipment.....	3,878,247
From FMAP Enhancement - Expansion Fund (2466)	4,686,363
Personal Service.....	1,011,184
Expense and Equipment.....	27,917
From Health Initiatives Fund (0275).....	1,039,101
For the implementation of the redetermination process for MO HealthNet	
eligibility after the COVID-19 federal public health emergency ends	
Expense and Equipment	
From General Revenue Fund (0101) (one-time)	2,781,669
From Department of Social Services Federal Fund (0610) (one-time).....	8,345,008
Expense and Equipment	
From Department of Social Services Federal Stimulus - 2021 Fund (2456).....	2,618,024
Total (Not to exceed 1,676.73 F.T.E.)	\$103,281,182

SECTION 11.107. – To the Department of Social Services

For the Family Support Division

For the Income Maintenance (IM) Call Center

For state operated and contracted call center administrative and operational expenses, provided fifty percent (50%) flexibility is allowed between subsections with this section

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For Medicaid and Children's Health Insurance Program (CHIP) eligibility	
Personal Service.....	\$865,013
Expense and Equipment.....	<u>1,544,208</u>
From General Revenue Fund (0101)	2,409,221
Personal Service.....	2,595,040
Expense and Equipment.....	<u>4,632,624</u>
From Department of Social Services Federal Fund (0610).....	7,227,664
For Adult Expansion Group (AEG) eligibility, as described in Section 36(c) of Article IV of the Missouri Constitution	
Personal Service.....	24,232
Expense and Equipment.....	<u>818,996</u>
From FMAP Enhancement - Expansion Fund (2466)	843,228
Personal Service.....	908,265
Expense and Equipment.....	<u>1,621,418</u>
From Department of Social Services Federal Fund (0610).....	2,529,683
For Supplemental Nutrition Assistance Program (SNAP) eligibility	
Personal Service.....	5,536,083
Expense and Equipment.....	<u>3,881,498</u>
From General Revenue Fund (0101)	9,417,581
Personal Service.....	5,536,083
Expense and Equipment.....	<u>3,881,498</u>
From Department of Social Services Federal Fund (0610).....	9,417,581
For Temporary Assistance eligibility	
Personal Service.....	519,009
Expense and Equipment.....	<u>245,951</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	764,960
For Child Care Subsidy eligibility	
Personal Service.....	1,038,017
Expense and Equipment.....	<u>225,000</u>
From Child Care and Development Block Grant Federal Fund (0168).....	<u>1,263,017</u>
Total (Not to exceed 438.00 F.T.E.)	\$33,872,935
SECTION 11.110. – To the Department of Social Services	
For the Family Support Division	
For public acute care hospital partnerships to assist with eligibility determinations for Medicaid and CHIP	
From General Revenue Fund (0101)	\$1,000,000
From Department of Social Services Federal Fund (0610).....	<u>1,000,000</u>
Total.....	\$2,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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SECTION 11.115. – To the Department of Social Services

For the Family Support Division

For income maintenance and child support staff training, provided three percent

(3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment

From General Revenue Fund (0101)	\$104,340
From Child Care and Development Block Grant Federal Fund (0168).....	20,000
From Department of Social Services Federal Fund (0610).....	<u>109,953</u>
Total.....	\$234,293

SECTION 11.120. – To the Department of Social Services

For the Family Support Division

For the electronic benefit transfers (EBT) system

Expense and Equipment

From General Revenue Fund (0101)	\$1,696,622
From Temporary Assistance for Needy Families Federal Fund (0199).....	100,000
From Department of Social Services Federal Stimulus Fund (2355).....	3,513,136
From Department of Social Services Federal Fund (0610).....	<u>1,399,859</u>
Total.....	\$6,709,617

SECTION 11.125. – To the Department of Social Services

For the Family Support Division

For the receipt of funds from the Polk County and Bolivar Charitable Trust for
the exclusive benefit and use of the Polk County Office

From Family Services Donations Fund (0167).....	\$10,000
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SECTION 11.130. – To the Department of Social Services

For the Family Support Division

For contractor, hardware, and other costs associated with planning,
development, and implementation of a Family Assistance Management
Information System (FAMIS), provided three percent (3%) flexibility is
allowed from this section to Section 11.950

Expense and Equipment

From General Revenue Fund (0101)	\$517,908
From Child Care and Development Block Grant Federal Fund (0168).....	25,000
From Temporary Assistance for Needy Families Federal Fund (0199).....	400,000
From Department of Social Services Federal Fund (0610).....	<u>48,422</u>

For the implementation of the redetermination process for MO HealthNet
eligibility after the COVID-19 federal public health emergency ends

Expense and Equipment

From General Revenue Fund (0101) (one-time)	7,421
From Department of Social Services Federal Fund (0610) (one-time).....	<u>12,369</u>
Total.....	\$1,011,120

SECTION 11.135. – To the Department of Social Services

For the Family Support Division

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Missouri Eligibility Determination and Enrollment System (MEDES),
provided three percent (3%) flexibility is allowed from this section to
Section 11.950

For the design, development, implementation, maintenance and operation costs
for the Medicaid and Children's Health Insurance Program (CHIP) eligibility
categories under the Modified Adjusted Gross Income (MAGI) based
methodology

Expense and Equipment

From General Revenue Fund (0101)	\$2,537,351
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,300,000
From Department of Social Services Federal Fund (0610).....	28,710,128
From Health Initiatives Fund (0275).....	1,000,000
From FMAP Enhancement - Expansion Fund (2466)	500,000

For the implementation of the redetermination process for MO HealthNet
eligibility after the COVID-19 federal public health emergency ends

Expense and Equipment

From General Revenue Fund (0101) (one-time)	47,869
From Department of Social Services Federal Fund (0610) (one-time).....	143,606

For the design, development, and implementation costs for Supplemental
Nutrition Assistance Program (SNAP) eligibility

Expense and Equipment

From General Revenue Fund (0101)	2,688,120
From Temporary Assistance for Needy Families Federal Fund (0199).....	2,000,000
From Department of Social Services Federal Fund (0610).....	13,844,516

For the design, development, and implementation costs for Temporary
Assistance (TA) eligibility

Expense and Equipment

From Temporary Assistance for Needy Families Federal Fund (0199).....	200,000
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For the design, development, and implementation costs for Child Care Subsidy
eligibility

Expense and Equipment

From Child Care and Development Block Grant Federal Fund (0168).....	200,000
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For the expenses for the independent verification and validation (IV&V)
services

Expense and Equipment

From General Revenue Fund (0101)	352,983
From Department of Social Services Federal Fund (0610).....	970,537

For the expenses related to the enterprise content management (ECM) system

Expense and Equipment

From General Revenue Fund (0101)	453,867
From Department of Social Services Federal Fund (0610).....	2,227,500

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For the expenses related to the project management office (PMO)

Expense and Equipment

From General Revenue Fund (0101)	713,897
From Department of Social Services Federal Fund (0610).....	<u>1,962,583</u>
Total.....	\$59,852,957

SECTION 11.140. – To the Department of Social Services

For the Family Support Division

For the third party eligibility verification services to utilize public records as well as other established, credible data sources to evaluate income, resources, and assets of each applicant on no less than a quarterly basis; the contractor shall also, on a monthly basis, identify participants of covered programs who have died, moved out of state, or been incarcerated longer than 90 days

Expense and Equipment

From General Revenue Fund (0101)	\$4,197,481
From Child Care and Development Block Grant Federal Fund (0168).....	165,068
From Temporary Assistance for Needy Families Federal Fund (0199).....	217,878
From Department of Social Services Federal Fund (0610).....	9,946,513
From FMAP Enhancement - Expansion Fund (2466)	654,781
From Department of Social Services Federal Stimulus - 2021 Fund (2456)	
(one-time)	3,631,025

For the implementation of the redetermination process for MO HealthNet eligibility after the COVID-19 federal public health emergency ends

Expense and Equipment

From General Revenue Fund (0101) (one-time)	1,547,676
From Department of Social Services Federal Fund (0610) (one-time).....	3,724,409
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time).....	73,725
From Child Care and Development Block Grant Federal Fund (0168)	
(one-time)	<u>73,728</u>
Total.....	\$24,232,284

SECTION 11.145. – To the Department of Social Services

For the Family Support Division

For grants and contracts to Community Partnerships and other community initiatives and related expenses, provided three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$632,328
From Temporary Assistance for Needy Families Federal Fund (0199).....	7,525,492
From Department of Social Services Federal Fund (0610).....	78,307

For the Missouri Mentoring Partnership

From Temporary Assistance for Needy Families Federal Fund (0199).....	508,700
From Department of Social Services Federal Fund (0610).....	935,000

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For a program for adolescents with the goal of preventing teen pregnancies
 From Temporary Assistance for Needy Families Federal Fund (0199)..... 600,000
 Total.....\$10,279,827

SECTION 11.147. – To the Department of Social Services

For the Family Support Division

For funding a multi-model, on-demand, micro-transit provision and/or coordination in rural and suburban markets to enhance access to health services (including, without limitation, mental, physical, dental health services and pharmaceutical services); workforce development training, to include educational opportunities, apprenticeship programs, internships and other related workforce programs and for mobility coordination, primarily for individuals in areas of the state under-served by existing public transit services and routes

From General Revenue Fund (0101) (one-time)\$1,250,000

SECTION 11.150. – To the Department of Social Services

For the Family Support Division

For the Food Nutrition Program

From Department of Social Services Federal Fund (0610).....\$14,343,755

***SECTION 11.155.** – To the Department of Social Services

For the Family Support Division

For the Missouri Work Assistance Program Unit

For the Missouri SkillUp Program

From Temporary Assistance for Needy Families Federal Fund (0199).....\$6,719,104

From Department of Social Services Federal Fund (0610).....4,672,471

For the attendance of Supplemental Nutrition Assistance Program recipients at adult high schools as designated by the Department of Elementary and Secondary Education

From Department of Social Services Federal Fund (0610).....3,150,000

For the attendance of low-income individuals at adult high schools as designated by the Department of Elementary and Secondary Education

From General Revenue Fund (0101)2,000,000

From Temporary Assistance for Needy Families Federal Fund (0199).....4,900,000

For the purpose of funding a satellite location for each of the four Excel Adult High Schools through the program as awarded by the Department of Elementary and Secondary Education

From Budget Stabilization Fund (0522)2,000,000

For the Summer Jobs Program

From Temporary Assistance for Needy Families Federal Fund (0199)

(including \$650,000 one-time)1,500,000

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 Matter in bold-face type is proposed language.

For Jobs for America's Graduates	
From Temporary Assistance for Needy Families Federal Fund (0199).....	3,750,000
For work assistance programs	
From General Revenue Fund (0101)	1,855,554
From Temporary Assistance for Needy Families Federal Fund (0199).....	12,867,755
For the purpose of funding a program in a city not within a county to foster healthy relationships by strengthening families and reducing the rates of absentee fathers through employment placement, job readiness, and employer retention skills	
From Temporary Assistance for Needy Families Federal Fund (0199)	
(including \$250,000 one-time)	1,000,000
For the Foster Care Jobs Program	
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,000,000
For an alternative education program, located in any county with more than one million inhabitants, for young people who have a high school diploma or GED targeting out-of-school youth and other at-risk populations ages 17-24, that focuses on leadership, development, financial literacy, and academic enhancement, technical skills training in construction, community service, and support from staff and students committed to each other's success	
From General Revenue Fund (0101) (one-time)	200,000
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time)	300,000
For a nonprofit organization, located in any home rule city with more than four hundred thousand inhabitants and located in more than one county, for an alternative education program that serves young people who have a high school diploma or GED, targeting out-of-school youth and other at-risk populations ages 17-24, that focuses on leadership development, financial literacy, and academic enhancement, technical skills training in construction, community service, and support from staff and students committed to each other's success	
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time)	250,000
For a program located in a city not within a county, for the purpose of providing year-round paid jobs and internship opportunities and job training for youth residing in the city	
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time)	2,500,000
For a program located in a city not within a county that assists participants in obtaining post-secondary education and job training and teaching the imperative career-skill and work ethic necessary to become successful	

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Matter in bold-face type is proposed language.

employees and that serves economically disadvantaged African American males and females to find jobs and have the opportunity to earn livable wages From Temporary Assistance for Needy Families Federal Fund (0199) (including \$500,000 one-time)	1,500,000
For the purpose of funding a program located in a city not within a county that assists individuals with limited opportunities to self-sufficiency by breaking down barriers to self-sufficiency, creating a safer and more inclusive community From Temporary Assistance for Needy Families Federal Fund (0199).....	1,000,000
For a program located in a city not within a county that fosters inclusion of minority and women-owned businesses on construction projects From Temporary Assistance for Needy Families Federal Fund (0199) (including \$500,000 one-time)	1,000,000
For a non-profit, faith-based organization located in any home rule city with more than four hundred thousand inhabitants and located in more than one county which solely focuses on young African American males, ages 8 to 18 through four areas: socially, academically, emotionally, and spiritually in preparing program participants for employment, civic service, and high school completions and higher education From Temporary Assistance for Needy Families Federal Fund (0199) (one-time)	100,000
For an organization located in a city not within a county, whose mission is to empower individuals for social and economic growth through relationship and opportunity by facilitating supplemental education programs, job development and training, and community service programs for under-resourced individuals From Temporary Assistance for Needy Families Federal Fund (0199) (one-time)	750,000
For a program located in any home rule city with more than four hundred thousand inhabitants and located in more than one county to assist in job training, education and development to minority and women business enterprises From Temporary Assistance for Needy Families Federal Fund (0199) (one-time)	150,000
For a program in any home rule city with more than four hundred thousand inhabitants and located in more than one county to teach parenting curriculum and other skills to men, along with assisting them in finding employment, health care, dealing with civil and criminal charges and cases, and other social services thus allowing them to develop healthy and supportive relationships with their kids and families From Temporary Assistance for Needy Families Federal Fund (0199) (including \$150,000 one-time)	250,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For a nonprofit organization in any home rule city with more than four hundred thousand inhabitants and located in more than one county that uses the game of basketball to build character, while making academics a priority and meet the needs of young men going through difficult circumstances	
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time)	50,000
For a state-wide youth program that provides children from Missouri the opportunity to become a master of their own stories while obtaining transferable skills through acting, directing, and screenwriting in an effort for the children to make movies and memories	
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time)	375,000
For a nonprofit organization located in a city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants to assist at-risk or foster care youth ranging in ages from 16 to 24 years old by helping to identify and apply unique strengths in order to experience a successful, self-sufficient transition into adulthood	
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time)	500,000
For a childcare organization located in a city not within a county, whose mission is to provide affordable childcare to underserved and first generation families with an emphasis on holistic relationships, opportunity, supplemental education programs, job development and training, and family resources	
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time)	250,000
For a program in any city with more than one hundred twenty-five thousand but fewer than one-hundred sixty thousand inhabitants to reduce community gun violence in high crime and impoverished neighborhoods by providing youth enrichment classes, education resources, mentorship and parental education to build and strengthen families, and create career pathways through apprenticeship or higher education	
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time)	500,000
For the employee and program expenses for a nonprofit organization located in a city not within a county to organize, advocate and develop leadership capacity for the families of incarcerated and formerly incarcerated individuals impacted by the criminal legal system, police and state violence in the city	
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time)	500,000

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Matter in bold-face type is proposed language.

For an organization founded in 1922 that provides and deploys accountable funding and support for nonprofits statewide focused on basic needs, financial stability, childhood development and youth services, health and wellbeing, and education

From Temporary Assistance for Needy Families Federal Fund (0199)
(one-time) 10,000,000

For a nonprofit organization located in any county with more than four hundred thousand but fewer than five hundred thousand inhabitants whose mission is to provide school districts' students personnel with suicide prevention skills and awareness, training on social media harassment and bullying interventions, and mental health therapy resources

From Temporary Assistance for Needy Families Federal Fund (0199)
(one-time) 250,000

Total.....\$65,839,884

*I hereby veto \$1,500,000 Temporary Assistance for Needy Families Federal Fund for a year-round youth jobs program in the City of St. Louis. The adjusted total is more in line with that of similar projects. Additionally, the City of St. Louis allocated \$2.5 million ARPA for this program.

For a program located in a city not within a county, for the purpose of providing year-round paid jobs and internship opportunities and job training for youth residing in the city.

From \$2,500,000 to \$1,000,000 from Temporary Assistance for Needy Families Federal Fund.

I hereby veto \$50,000 Temporary Assistance for Needy Families Federal Fund for a basketball training program. While the plain language of the appropriation states the funds are for a nonprofit "in any home rule city with more than four hundred thousand inhabitants and located in more than one county that uses the game of basketball to build character," the information provided to my administration demonstrates that this basketball training facility is located in Overland Park, Kansas. Temporary Assistance for Needy Families Federal Funding cannot be distributed to entities outside the state of Missouri.

For a nonprofit organization in any home rule city with more than four hundred thousand inhabitants and located in more than one county that uses the game of basketball to build character.
From \$50,000 to \$0 from Temporary Assistance for Needy Families Federal Fund.

I hereby veto \$375,000 Temporary Assistance for Needy Families Federal Fund for a Film Camp USA designated state-wide youth program. This is not a good use of taxpayer funds as the cost per camper is estimated to exceed \$1,000. Additionally, this earmark appears to direct public funds to a private company for non-public purposes in violation of Article III, Section 38(a) of the Missouri Constitution.

For a state-wide youth program that provides children from Missouri the opportunity to become a master of their own stories while obtaining transferable skills through acting, directing, and screenwriting in an effort for the children to make movies and memories.

From \$375,000 to \$0 from the Temporary Assistance for Needy Families Federal Fund.

I hereby veto \$5,000,000 Temporary Assistance for Needy Families Federal Fund for the United Way organization. The adjusted total is more in line with that of similar projects.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For an organization founded in 1922 that provides and deploys accountable funding and support for nonprofits statewide.

From \$10,000,000 to \$5,000,000 from Temporary Assistance for Needy Families Federal Fund.

From \$65,839,884 to \$58,914,884 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.160. – To the Department of Social Services

For the Family Support Division, provided three percent (3%) flexibility is allowed from this section to Section 11.950

For the Temporary Assistance for Needy Families (TANF) benefits and
Temporary Assistance (TA) Diversion transitional benefits

From General Revenue Fund (0101) \$3,856,800

From Temporary Assistance for Needy Families Federal Fund (0199)..... 16,200,000

For support to Food Banks' effort to provide services and food to low-income
individuals

From Temporary Assistance for Needy Families Federal Fund (0199)..... 10,000,000

For an evidence-based program through a school-based early warning and
response system that improves student attendance, behavior and course
performance in reading and math by identifying the root causes for student
absenteeism, classroom disruption, and course failure

From Temporary Assistance for Needy Families Federal Fund (0199)..... 1,000,000

For payments to qualified agencies for TANF or TANF maintenance of effort
after school support programs

From Temporary Assistance for Needy Families Federal Fund (0199)

(including \$1,000,000 one-time) 2,000,000

For payments to qualified agencies for TANF or TANF maintenance of effort
out of school support programs

From Temporary Assistance for Needy Families Federal Fund (0199)..... 2,000,000

For services that provide assistance and engagement to address critical areas of
need for low income individuals, families, and children located in a city not
within a county

From Temporary Assistance for Needy Families Federal Fund (0199)..... 250,000

For a program located in a city not within a county that helps youth, families,
and older adults attain self-sustaining lives by providing innovative social,
educational and recreational resources

From Temporary Assistance for Needy Families Federal Fund (0199)..... 200,000

For a public school located in a city with more than one thousand nine hundred
but fewer than two thousand one hundred fifty inhabitants and located in a
county with more than twenty-two thousand but fewer than twenty-five

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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thousand inhabitants and with a county seat with more than five hundred but fewer than nine hundred, a public school located in a city with more than twelve thousand five hundred but fewer than fourteen thousand inhabitants and located in a county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than twelve thousand six hundred but fewer than fifteen thousand inhabitants, and a public school located in a city with more than seven thousand but fewer than eight thousand inhabitants and that is the county seat of a county with more than fifteen thousand seven hundred but fewer than seventeen thousand six hundred inhabitants, for a model that uses integrated student support in collaboration with local communities to address barriers to student success	
From Temporary Assistance for Needy Families Federal Fund (0199).....	600,000
For an organization with a program with the goal of reaching independence from poverty through support, education, career development, financial planning, and mentoring located in a city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants	
From Temporary Assistance for Needy Families Federal Fund (0199) (including \$300,000 one-time)	1,000,000
For a program, located in a city not in within a county, that offers community housing and community integration to adults with developmental disabilities in nurturing, positive, and stable home-like environments	
From Temporary Assistance for Needy Families Federal Fund (0199).....	230,000
For a program that helps older adults live with dignity and independence in their housing by providing case management, counseling, and reverse mortgage counseling	
From Temporary Assistance for Needy Families Federal Fund (0199) (one-time)	250,000
For a century-old viable non-profit entity located in a city not within a county that annually serves over one hundred thousand clients regionally in efforts to de-escalate violence and offer conflict mediation and connects neighborhood residents with the necessary viable resources and services, in an effort to reduce crime, violence, and to improve the quality of life	
From Budget Stabilization Fund (0522) (one-time)	1,500,000
For a nonprofit organization located in any home rule city with more than four hundred thousand inhabitants and located in more than one county that provides programs and services including math, science, and computer tutoring; jobs skills training; transportation; food and clothing programs; and sports programs	
From General Revenue Fund (0101) (one-time)	500,000
For a nonprofit organization serving youth for over twenty years that enables young people to reach their full potential as productive, caring, responsible citizens by providing a club experience, including after school and summer	

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Matter in bold-face type is proposed language.

programs that assures success located in any city with more than sixteen thousand but fewer than eighteen thousand inhabitants and that is the county seat of a county with more than forty thousand but fewer than fifty thousand inhabitants	
From General Revenue Fund (0101) (one-time)	2,000,000
For a nonprofit organization founded in 2016 located in any home rule city with more than four hundred inhabitants and located in more than one county, that is providing access to fresh, affordable and healthy foods to over 250,000 local residents experiencing food insecurity	
From Temporary Assistance for Needy Families Federal Fund (0199) (one-time)	100,000
For a nonprofit, little league baseball organization in any home rule city with more than four hundred thousand inhabitants and located in more than one county to educate, inspire and empower young men to become community leaders	
From Temporary Assistance for Needy Families Federal Fund (0199) (one-time)	50,000
For a sports enrichment park in any home rule city with more than four hundred thousand inhabitants and located in more than one county for students that provides a supervised and structured environment for empowering youth to develop self-esteem, basic life skills, respect for the rights of others and property, all through: sport, fitness, cultural, and educational programming	
From Temporary Assistance for Needy Families Federal Fund (0199) (one-time)	100,000
For a not-for-profit organization, located in any city not within a county, for a male mentoring program founded in 1984	
From Temporary Assistance for Needy Families Federal Fund (0199) (one-time)	126,000
For a non-profit organization, located in any city not within a county, that assists incarcerated women with reuniting or uniting them with their children, along with providing any social skill needs, academic needs, or other necessities that will empower them to stay productive	
From Temporary Assistance for Needy Families Federal Fund (0199) (one-time)	250,000
Total.....	\$42,212,800

SECTION 11.161. – To the Department of Social Services

For the Family Support Division

For a not-for-profit organization located in a city not within a county and was founded in 2015, provided that said organization provides mentoring, family counseling, and tutoring services for young men ranging in ages from 8 to 18 years old, and further provided that funds shall be used for transportation

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needs, meeting space rental, part-time mentoring coordinators, and healthy food choices during weekend events

From Temporary Assistance for Needy Families Federal Fund (0199)
(one-time) \$100,000

***SECTION 11.162.** – To the Department of Social Services

For the Family Support Division

For a not-for-profit, founded in 1978 and located in a city not within a county, that for over 45 years has been strengthening 39 member neighborhoods through programming that brings people from different communities together to meet, exchange ideas and promote best practices, provided that such funds be used for transportation, food security, youth leadership activities, and community cleanup projects

From Temporary Assistance for Needy Families Federal Fund (0199)
(one-time) \$30,000

*I hereby veto \$30,000 Temporary Assistance for Needy Families Federal Fund for the St. Louis Association of Community Organizations. This is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project. This organization could seek funds from the United States Department of Housing and Urban Development's Community Development Block Grant program and the City of St. Louis' Community Development Administration. The organization received a combined total of \$149,177 from grant income in 2021.

Said section is vetoed in its entirety from \$30,000 to \$0 from Temporary Assistance for Needy Families Federal Fund.

From \$30,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 11.163.** – To the Department of Social Services

For the Family Support Division

For a not-for-profit organization located in a city not within a county that has been in operation for over 100 years and provides children and family services

From Temporary Assistance for Needy Families Federal Fund (0199)
(including \$1,000,000 one-time) \$4,000,000

*I hereby veto \$1,000,000 Temporary Assistance for Needy Families Federal Fund for Annie Malone Children and Family Services. The information provided to my administration demonstrates that these funds may support a capital improvement project. Temporary Assistance for Needy Families Federal Funding cannot be disbursed for capital improvement projects.

From \$4,000,000 to \$3,000,000 from Temporary Assistance for Needy Families Federal Fund.

From \$4,000,000 to \$3,000,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.164. – To the Department of Social Services

For the Family Support Division

For a not-for-profit organization located in a city with more than four hundred thousand inhabitants and located in more than one county with 25 or more years of experience in ensuring every child receives a great foundation for academic success provided that such organization meets the needs of children birth to age 12

From Temporary Assistance for Needy Families Federal Fund (0101)
(one-time) \$62,000

SECTION 11.165. – To the Department of Social Services

For the Family Support Division

For alternatives to abortion services, including the provision of diapers and other infant hygiene products to women who qualify for alternative to abortion services, provided that if the Department grants or allocates funds to certain not-for-profit organizations or regions of the state that are unused or anticipated to be unused, then the Department shall redistribute such funds to other not-for-profit organizations or regions of the state to ensure that all the funds appropriated are available to serve women who qualify for alternatives to abortion services, and further provided that the Department shall not limit the amount that can be expended per client

From General Revenue Fund (0101) \$2,033,561

From Temporary Assistance for Needy Families Federal Fund (0199)..... 6,300,000

From Department of Social Services Federal Fund (0610)..... 50,000

For the alternatives to abortion public awareness program, including assistance to contractors and subcontractors with the Department for alternatives to abortion services, to help alternatives to abortion agencies reach pregnant women at risk for having abortions when such agencies are blocked or in any other way suppressed by any search engine, social media platform, or digital advertising network

From General Revenue Fund (0101) 275,000

For a healthy marriage and fatherhood initiative

From Temporary Assistance for Needy Families Federal Fund (0199)..... 2,500,000

For a healthy marriage and fatherhood initiative with a primary office location in a city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants

From Temporary Assistance for Needy Families Federal Fund (0199)
(one-time) 500,000

For the implementation and expansion of a healthy marriage and fatherhood initiative in any city with more than one hundred twenty-five thousand but fewer than one hundred sixty thousand inhabitants

From Temporary Assistance for Needy Families Federal Fund (0199)
(one-time) 250,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For a not for profit, organization which was founded in 2008 and located in any city with more than one hundred twenty-five thousand but fewer than one hundred sixty thousand inhabitants provided the funds are used for the implementation and expansion of responsible fatherhood services and healthy marriage activities

From Temporary Assistance for Needy Families Federal Fund (0199)

(one-time) 250,000

Total.....\$12,158,561

SECTION 11.170. – To the Department of Social Services

For the Family Support Division

For supplemental payments to aged or disabled persons

From General Revenue Fund (0101) \$10,872

SECTION 11.175. – To the Department of Social Services

For the Family Support Division

For nursing care payments to aged, blind, or disabled persons, and for personal funds to recipients of Supplemental Nursing Care payments as required by Section 208.030, RSMo

From General Revenue Fund (0101)\$25,420,885

SECTION 11.180. – To the Department of Social Services

For the Family Support Division

For Blind Pension and supplemental payments to blind persons, provided that the Department of Social Services, whenever it calculates a new estimated rate or rates for the Blind Pension and/or supplemental payments to blind persons for the upcoming fiscal year, shall transmit the new estimated rate or rates, as well as the accompanying assumptions and calculations used to create the new estimated rate or rates, to the following organizations: Missouri Council for the Blind, National Federation of the Blind of Missouri, and the State Rehabilitation Council

From Blind Pension Fund (0621).....\$38,920,024

SECTION 11.185. – To the Department of Social Services

For the Family Support Division

For community services programs provided by Community Action Agencies or other not-for-profit organizations under the provisions of the Community Services Block Grant

From Department of Social Services Federal Fund (0610).....\$23,637,000

SECTION 11.190. – To the Department of Social Services

For the Family Support Division

For the Emergency Solutions Grant Program

From Department of Social Services Federal Stimulus Fund (2355)..... \$1,500,000

***SECTION 11.195.** – To the Department of Social Services

For the Family Support Division

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Food Distribution Program, the receipt and disbursement of Donated Food Program payments and for the Local Food Purchase Assistance Cooperative Program	
From Department of Social Services Federal Fund (0610).....	\$6,777,682
From Department of Social Services Federal Stimulus - 2021 Fund (2456).....	6,100,000
For a nonprofit organization founded in 2017 to open a cooperatively owned grocery store that will provide locally grown, fresh produce from state farmers, and other locally sourced products and meats located in any county with more than one million inhabitants	
From General Revenue Fund (0101) (one-time)	<u>1,904,000</u>
Total.....	\$14,781,682

*I hereby veto \$1,904,000 general revenue for a cooperatively owned grocery store in St. Louis County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

For a nonprofit organization founded in 2017 to open a cooperatively owned grocery store.
 From \$1,904,000 to \$0 from General Revenue Fund.
 From \$14,781,682 to \$12,877,682 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.200. – To the Department of Social Services

For the Family Support Division

For the Low-Income Home Energy Assistance Program, provided the eligible household income does not exceed one hundred and fifty percent (150%) of the federal poverty level or sixty percent (60%) of the state median income (SMI)

From Department of Social Services Federal Fund (0610).....	\$101,619,871
From Department of Social Services Federal Stimulus Fund (2355).....	2,029,933

For the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program, provided the eligible household income does not exceed one hundred and fifty percent (150%) of the federal poverty level or sixty percent (60%) of the state median income (SMI)

From Department of Social Services Federal Stimulus Fund (2355).....	8,833,194
From Department of Social Services Federal Stimulus - 2021 Fund (2456).....	<u>9,687,425</u>
Total.....	\$122,170,423

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 11.205. – To the Department of Social Services

For the Family Support Division

For a nonprofit organization located in a city not within a county that builds homes and communities that is dedicated to eliminating substandard housing in a city not within a county and empowers local families to build and purchase their own home

From General Revenue Fund (0101) \$250,000

***SECTION 11.207.** – To the Department of Social Services

For the Family Support Division

For the staffing, infrastructure, and technology expenses for a nonprofit established in 2022 to lead transformational system-wide change in ending homelessness located in a city not within a county

From General Revenue Fund (0101) (one-time) \$2,000,000

*I hereby veto \$2,000,000 general revenue for the staffing, infrastructure, and technology expenses for House Everyone, a homelessness nonprofit. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project. There are existing state programs aimed at providing services to address homelessness. Funding could be sought through the Missouri Housing Development Commission.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from General Revenue Fund.

From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.210. – To the Department of Social Services

For the Family Support Division

For grants to not-for-profit organizations for services and programs to assist victims of domestic violence, provided three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101) \$5,000,000

From Temporary Assistance for Needy Families Federal Fund (0199)..... 1,600,000

From Department of Social Services Federal Fund (0610)..... 2,500,000

From Department of Social Services Federal Stimulus - 2021 Fund (2456)..... 8,309,001

For emergency shelter services to assist victims of domestic violence

From Temporary Assistance for Needy Families Federal Fund (0199)..... 562,137

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For emergency shelter services for women and children victims of domestic violence with substance history located in any home rule city with more than four hundred thousand inhabitants and located in more than one county	
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time)	200,000
For a nonprofit organization in any city with more than four hundred thousand inhabitants and located in more than one county to support domestic violence survivors, provides essential resources to end period poverty, empowers college bound and non-traditional students and inspires cancer patients	
From Temporary Assistance for Needy Families Federal Fund (0199)	
(one-time)	50,000
Total	\$18,221,138

***SECTION 11.212.** – To the Department of Social Services

For the Family Support Division

For a transitional housing project to provide transitional housing for survivors of domestic violence and their children located in any county with more than two hundred thirty thousand but fewer than two hundred sixty thousand inhabitants

From General Revenue Fund (0101) (one-time) \$3,000,000

*I hereby veto \$2,500,000 general revenue for a transitional housing project. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the adjusted total is more in line with that of similar projects.

From \$3,000,000 to \$500,000 from General Revenue fund.

From \$3,000,000 to \$500,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.215. – To the Department of Social Services

For the Family Support Division

For the Victims of Crime Act (VOCA) Unit

For the administrative expenses of the Victims of Crime Act program

Personal Service	\$464,635
Expense and Equipment	100,010
From Victims of Crime Act Federal Fund (0146)	564,645

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For training and technical assistance expenses for the Victims of Crime Act
 program
 Expense and Equipment
 From Victims of Crime Act Federal Fund (0146) 500,000
 Total (Not to exceed 8.00 F.T.E.).....\$1,064,645

***SECTION 11.220.** – To the Department of Social Services

For the Family Support Division

For the Victims of Crime Act (VOCA) Unit

For grants to organizations for services and programs to assist victims of crime,
 provided that such funds shall be awarded through a competitive grant
 process

From General Revenue Fund (0101) (one-time) 30,000,000
 From Victims of Crime Act Federal Fund (0146) 49,331,537
 Total.....\$79,331,537

*I hereby veto \$15,000,000 general revenue for grants to organizations for services and programs to assist victims of crime. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the Fiscal Year 2023 ARPA budget invested \$24 million in extraordinary funding for the Victims of Crime Act (VOCA) program. This line is being reduced to more accurately reflect the estimated loss of federal funding for the affected fiscal year in order to maintain current funding in Fiscal Year 2024.

From \$30,000,000 to \$15,000,000 from General Revenue Fund.

From \$79,331,537 to \$64,331,537 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 11.225.** – To the Department of Social Services

For the Family Support Division

For the Victims of Crime Act (VOCA) Unit

For grants to not-for-profit organizations for services and programs to assist
 victims of sexual assault, provided three percent (3%) flexibility is allowed
 from this section to Section 11.950

From General Revenue Fund (0101)\$3,750,000
 From Department of Social Services Federal Stimulus - 2021 Fund (2456)..... 2,940,803
 Total.....\$6,690,803

*I hereby veto \$2,000,000 general revenue for grants for services and programs to assist victims of sexual assault. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the

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Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the Fiscal Year 2023 and Fiscal Year 2024 budgets have invested \$39 million in extraordinary funding for the Victims of Crime Act (VOCA) program.

From \$3,750,000 to \$1,750,000 from General Revenue Fund.

From \$6,690,803 to \$4,690,803 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.230. – To the Department of Social Services

For the Family Support Division

For the administration of blind services, provided three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$1,025,139
Expense and Equipment.....	135,715
From General Revenue Fund (0101)	1,160,854
Personal Service.....	3,798,319
Expense and Equipment.....	753,032
From Department of Social Services Federal Fund (0610).....	4,551,351
Total (Total not to exceed 102.69 F.T.E.).....	\$5,712,205

SECTION 11.235. – To the Department of Social Services

For the Family Support Division

For services for the visually impaired, provided three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$1,507,789
From Department of Social Services Federal Fund (0610).....	6,436,444
From Family Services Donations Fund (0167).....	99,995
From Blindness Education, Screening and Treatment Program Fund (0892).....	349,000
Total.....	\$8,393,228

SECTION 11.237. – To the Department of Social Services

For the Family Support Division

For a wheelchair accessible van, a clinic remodel, and general operating expenses to a nonprofit organization established in 1911 that enhances independence, empowers individuals, and enriches the lives of people who are visually impaired or blind located in a city not within a county

From General Revenue Fund (0101) (one-time)	\$300,000
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SECTION 11.240. – To the Department of Social Services

For the Family Support Division

For business enterprise programs for the blind

From Department of Social Services Federal Fund (0610).....	\$42,003,034
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.242. – To the Department of Social Services

For the Family Support Division

For programs which are engaged in the resettling of refugees and legal immigrants

From Budget Stabilization Fund (0522) (one-time)\$5,000,000

SECTION 11.245. – To the Department of Social Services

For the Family Support Division

For Child Support Enforcement field staff and operations, provided three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....\$3,335,053

Expense and Equipment.....2,537,371

From General Revenue Fund (0101)5,872,424

Personal Service.....18,258,710

Expense and Equipment.....7,672,795

From Department of Social Services Federal Fund (0610).....25,931,505

Personal Service.....2,344,969

Expense and Equipment.....396,390

From Child Support Enforcement Fund (0169).....2,741,359

For free mediation services for child support cases in the Parenting Court of any county with more than two hundred thirty thousand but fewer than two hundred sixty thousand inhabitants

From General Revenue Fund (0101) (one-time)50,000

Total (Not to exceed 584.04 F.T.E.)\$34,595,288

SECTION 11.247. – To the Department of Social Services

For the Family Support Division

For the Child Support Enforcement Call Center

For state operated call center administrative and operational expenses

Personal Service.....\$835,308

Expense and Equipment.....614,737

From General Revenue Fund (0101)1,450,045

Personal Service.....1,594,428

Expense and Equipment.....1,297,492

From Department of Social Services Federal Fund (0610).....2,891,920

Personal Service.....105,591

Expense and Equipment.....112,036

From Child Support Enforcement Fund (0169).....217,627

Total (Not to exceed 67.20 F.T.E.)\$4,559,592

SECTION 11.250. – To the Department of Social Services

For the Family Support Division

For reimbursements to counties and the City of St.Louis and contractual agreements with local governments providing child support services,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

provided three percent (3%) flexibility is allowed from this section to
Section 11.950

From General Revenue Fund (0101)	\$2,240,491
From Department of Social Services Federal Fund (0610).....	14,886,582
From Child Support Enforcement Fund (0169).....	<u>400,212</u>
Total.....	\$17,527,285

SECTION 11.255. – To the Department of Social Services

For the Family Support Division

For reimbursements to the federal government for federal Temporary Assistance
for Needy Families payments, refunds of bonds, refunds of support
payments or overpayments, and distributions to families

From Department of Social Services Federal Fund (0610).....	\$51,500,000
From Debt Offset Escrow Fund (0753).....	<u>9,000,000</u>
Total.....	\$60,500,000

SECTION 11.260. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Department of
Social Services Federal Fund

From Debt Offset Escrow Fund (0753).....	\$955,000
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Funds are to be transferred out of the State Treasury to the Child Support
Enforcement Fund

From Debt Offset Escrow Fund (0753).....	<u>245,000</u>
Total.....	\$1,200,000

SECTION 11.300. – To the Department of Social Services

For the Children's Division, provided three percent (3%) flexibility is
allowed from this section to Section 11.950

Personal Service.....	\$1,800,644
Expense and Equipment.....	<u>1,732,153</u>
From General Revenue Fund (0101)	3,532,797

Personal Service

From Temporary Assistance for Needy Families Federal Fund (0199).....	852,574
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Personal Service..... 1,730,499 |

Expense and Equipment..... 1,027,628 |

From Department of Social Services Federal Fund (0610).....	2,758,127
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Expense and Equipment

From Third Party Liability Collections Fund (0120).....	55,493
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Expense and Equipment

From Department of Social Services Federal Stimulus - 2021 Fund (2456).....	<u>929,438</u>
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Total (Not to exceed 75.43 F.T.E.)	\$8,128,429
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.302. – To the Department of Social Services

For the Children's Division

For the Child Abuse and Neglect Hotline Unit

For administrative expenses, provided five percent (5%) flexibility is allowed
between personal service and expense and equipment

Personal Service.....\$4,524,302

Expense and Equipment.....79,335

From General Revenue Fund (0101) (Not to exceed 79.00 F.T.E.)\$4,603,637

***SECTION 11.305.** – To the Department of Social ServicesFor the Children's Division, provided five percent (5%) flexibility is allowed
between personal service and expense and equipment, and further provided
five percent (5%) flexibility is allowed from Section 11.305 to Section
11.302, and further provided fifty percent (50%) flexibility is allowed
between Sections 11.305, 11.306, and 11.307

For the Children's Division field staff and operations

Personal Service.....\$42,031,592

Expense and Equipment (including \$337,336 one-time)3,767,726

From General Revenue Fund (0101)45,799,318

Personal Service.....13,735,624

Expense and Equipment.....1,801,639

From Temporary Assistance for Needy Families Federal Fund (0199).....15,537,263

Personal Service.....39,324,460

Expense and Equipment (including \$89,764 one-time).....3,621,431

From Department of Social Services Federal Fund (0610).....42,945,891

Personal Service.....93,457

Expense and Equipment.....35,558

From Health Initiatives Fund (0275).....129,015

For recruitment and retention services

From General Revenue Fund (0101)1,226,992

From Department of Social Services Federal Fund (0610).....1,101,008

For the expansion of a foster care portal software that can be accessed by
children's division caseworkers, licensed foster families, foster care
licensure applicants, parents or guardians of children in foster care and other
key parties to ensure streamlined communication and information sharing

From General Revenue Fund (0101)500,000

For expanding the reach of the Foster Care Wellness pilot Module statewide

From General Revenue Fund (0101)1,925,000

From Department of Social Services Federal Fund (0610).....19,125,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For purchase of child items and field office family room items
 From Federal Earnings Fund (0558) (one-time) 1,150,000
 Total (Not to exceed 1,796.86 F.T.E.) \$129,439,487

*I hereby veto \$1,150,000 Federal Earnings Fund for the purchase of children's and field office family room items in Children's Division. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the Fiscal Year 2024 budget invests an additional \$106.9 million in the Children's Division.

For purchase of child items and field office family room items.
 From \$1,150,000 to \$0 from Federal Earnings Fund.
 From \$129,439,487 to \$128,289,487 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 11.306. – To the Department of Social Services

For the Children's Division

For Prevention

For administrative expenses of the Family Centered Services (FCS) program,
 provided five percent (5%) flexibility is allowed between personal service
 and expense and equipment, and further provided fifty percent (50%)
 flexibility is allowed between Sections 11.305, 11.306, and 11.307
 Personal Service..... \$2,514,081
 Expense and Equipment (including \$126,452 one-time) 340,022
 From General Revenue Fund (0101) 2,854,103
 Personal Service..... 773,159
 Expense and Equipment (including \$38,888 one-time)..... 104,568
 From Department of Social Services Federal Fund (0610)..... 877,727
 Total (Not to exceed 20.00 F.T.E.) \$3,731,830

SECTION 11.307. – To the Department of Social Services

For the Children's Division

For Prevention

For Team Decision Making (TDM) administrative expenses, provided five
 percent (5%) flexibility is allowed between personal service and expense
 and equipment, and further provided fifty percent (50%) flexibility is
 allowed between Sections 11.305, 11.306, and 11.307
 Personal Service..... \$2,514,081
 Expense and Equipment (including \$126,452 one-time) 340,022
 From General Revenue Fund (0101) 2,854,103

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

Personal Service.....	773,159
Expense and Equipment (including \$38,888 one-time).....	<u>104,568</u>
From Department of Social Services Federal Fund (0610).....	<u>877,727</u>
Total (Not to exceed 20.00 F.T.E.)	\$3,731,830

SECTION 11.310. – To the Department of Social Services

For the Children's Division

For the development and integration of a new comprehensive child welfare
information system

Expense and Equipment

From Budget Stabilization Fund (0522)	\$6,000,000
From Department of Social Services Federal Fund (0610).....	<u>2,000,000</u>
Total.....	\$8,000,000

SECTION 11.315. – To the Department of Social Services

For the Children's Division

For Children's Division staff training, provided three percent (3%) flexibility is
allowed from this section to Section 11.950

Expense and Equipment

From General Revenue Fund (0101)	\$1,085,056
From Department of Social Services Federal Fund (0610).....	<u>590,243</u>

For specialized investigation skills training

Expense and Equipment

From Department of Social Services Federal Stimulus - 2021 Fund (2456).....	<u>650,607</u>
Total.....	\$2,325,906

SECTION 11.318. – To the Department of Social Services

For the Children's Division

For a statewide specialist focused on prevention and response to sex trafficking
and sexual exploitation of children and for services for child victims,
provided five percent (5%) flexibility is allowed between personal services
and expense and equipment

Personal Service..... \$59,070

Expense and Equipment (including \$5,561 one-time)..... 12,614

From General Revenue Fund (0101)	71,684
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Personal Service..... 34,692

Expense and Equipment (including \$3,266 one-time)..... 7,407

From Department of Social Services Federal Fund (0610).....	<u>42,099</u>
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Total (Not to exceed 1.00 F.T.E.).....	\$113,783
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SECTION 11.320. – To the Department of Social Services

For the Children's Division

For prevention of human trafficking

Expense and Equipment

From Department of Social Services Federal Stimulus - 2021 Fund (2456).....	\$278,833
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For grants to nonprofit organizations for statewide prevention and education efforts concerning human trafficking through a program that reaches public and charter schools	
Expense and Equipment	
From General Revenue Fund (0101)	150,000
Total.....	\$428,833

SECTION 11.325. – To the Department of Social Services

For the Children's Division

For prevention services and programs for children and families to assist children to remain safely in their homes and prevent the need for foster care placement

Brief Strategic Family Therapy (BSFT)	
From General Revenue Fund (0101)	\$1,037,787
From Department of Social Services Federal Fund (0610).....	1,037,787

Parent-Child Interaction Therapy (PCIT)	
From General Revenue Fund (0101)	995,630
From Department of Social Services Federal Fund (0610).....	995,630

Birth Match Program as set forth in Section, 210.156 RSMo	
From Temporary Assistance for Needy Families Federal Fund (0199).....	558,065
Total.....	\$4,624,899

***SECTION 11.327.** – To the Department of Social Services

For the Children's Division

For contractual payments to provide legal assistance to kinship placements referred by the division to help children remain safely with kinship caregivers and prevent the need for foster care placement

From General Revenue Fund (0101)	\$500,000
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*I hereby veto \$500,000 general revenue for kinship placement legal services. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the Fiscal Year 2024 budget funds an additional 34 legal positions and an additional \$3.7 million in legal resources for the Children's Division.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.

From \$500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.330. – To the Department of Social Services

For the Children's Division, provided five percent (5%) flexibility is allowed between Sections 11.330, 11.335, 11.340, 11.355, 11.375, and 11.385, and further provided three percent (3%) flexibility is allowed from this section to Section 11.950

For children's treatment services including, but not limited to, home-based services, day treatment services, preventive services, family reunification services, or intensive in-home services

From General Revenue Fund (0101)	\$15,268,036
From Title XIX - Federal Fund (0163)	50,000
From Temporary Assistance for Needy Families Federal Fund (0199)	425,286
From Department of Social Services Federal Fund (0610)	9,796,892

For crisis care

From General Revenue Fund (0101)	2,316,000
Total	\$27,856,214

SECTION 11.332. – To the Department of Social Services

For the Children's Division

For costs associated with the implementation of the Family First Prevention Services Act

Grants to providers to develop community settings

From Department of Social Services Federal Fund (0610) (one-time)	\$5,000,000
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Contract for coordination and development of community settings

From General Revenue (0101) (one-time)	500,000
From Department of Social Services Federal Fund (0610) (one-time)	500,000

Development and start-up of new prevention programs that meet FFPSA criteria

From Department of Social Services Federal Fund (0610) (one-time)	3,400,000
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Other expense and equipment related expenses

From Department of Social Services Federal Fund (0610) (one-time)	250,000
Total	\$9,650,000

SECTION 11.335. – To the Department of Social Services

For the Children's Division

For foster care placement special expenses, respite services, and transportation expenses; expenses related to training of foster parents, provided five percent (5%) flexibility is allowed between Sections 11.330, 11.335, 11.340, 11.355, 11.375, and 11.385

From General Revenue Fund (0101)	\$1,843,367
From Temporary Assistance for Needy Families Federal Fund (0199)	1,052,158
From Department of Social Services Federal Fund (0610)	991,004

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For foster care treatment costs in an outdoor learning foster care program that is licensed or accredited for treatment programming with the reimbursement rate for this service determined by a cost study for payment in addition to other service rates for the foster child, provided that such reimbursement rate shall not exceed the appropriation authority, and further provided that no funds shall be expended to any vendor who fails to report a crime as required by law and/or failed to remove an employee from duties related to the treatment program upon becoming aware of a charge or indictment	
From General Revenue Fund (0101)	183,385
From Department of Social Services Federal Fund (0610)	316,615
For awards to licensed community-based foster care and adoption recruitment programs	
From Foster Care and Adoptive Parents Recruitment and Retention Fund (0979)	15,000
Total	\$4,401,529

SECTION 11.340. – To the Department of Social Services

For the Children's Division

For foster care maintenance payments, provided five percent (5%) flexibility is allowed between Sections 11.330, 11.335, 11.340, 11.355, 11.375, and 11.385

From General Revenue Fund (0101)	\$52,030,015
From Temporary Assistance for Needy Families Federal Fund (0199)	21,051,177
From Department of Social Services Federal Fund (0610)	20,594,707
From Alternative Care Trust Fund (0905)	8,000,000
Total	\$101,675,899

SECTION 11.345. – To the Department of Social Services

For the Children's Division

For room and board expenses for children placed in a Therapeutic Foster Care (TFC) home setting

From General Revenue Fund (0101)	\$4,566,746
From Department of Social Services Federal Fund (0610)	1,902,621
Total	\$6,469,367

SECTION 11.350. – To the Department of Social Services

For the Children's Division

For room and board expenses for children placed in Qualified Residential Treatment Program designated facilities, provided seventy-five percent (75%) flexibility is allowed between subsections within this section

For placements in Qualified Residential Treatment Program /non-Institution for Mental Disease (QRTP/non-IMD) designated facilities

From General Revenue Fund (0101)	\$9,748,446
From Department of Social Services Federal Fund (0610)	3,327,448

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Matter in bold-face type is proposed language.

For placements in Qualified Residential Treatment Program/Institution for Mental Disease (QRTP/IMD) designated facilities	
From General Revenue Fund (0101)	8,247,460
From Department of Social Services Federal Fund (0610).....	<u>2,713,113</u>
Total.....	\$24,036,467

SECTION 11.355. – To the Department of Social Services

For the Children's Division

For residential treatment placements and therapeutic treatment services; and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families, provided five percent (5%) flexibility is allowed between Sections 11.330, 11.335, 11.340, 11.355, 11.375, and 11.385

From General Revenue Fund (0101)	\$23,867,613
From Temporary Assistance for Needy Families Federal Fund (0199).....	13,351,973
From Department of Social Services Federal Fund (0610).....	<u>8,462,356</u>
Total.....	\$45,681,942

SECTION 11.360. – To the Department of Social Services

For the Children's Division

For contractual payments for expenses related to training of foster parents

From General Revenue Fund (0101)	\$603,513
From Department of Social Services Federal Fund (0610).....	<u>372,934</u>
Total.....	\$976,447

SECTION 11.365. – To the Department of Social Services

For the Children's Division

For costs associated with attending post-secondary education including, but not limited to tuition, books, fees, room and board for current or former foster youth, provided three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$188,848
From Temporary Assistance for Needy Families Federal Fund (0199).....	450,000
From Department of Social Services Federal Fund (0610).....	<u>1,050,000</u>
Total.....	\$1,688,848

SECTION 11.370. – To the Department of Social Services

For the Children's Division

For comprehensive case management contracts through community-based organizations as described in Section 210.112, RSMo; the purpose of these contracts shall be to provide a system of care for children living in foster care, independent living, or residential care settings; services eligible under this provision may include, but are not limited to, case management, foster care, residential treatment, intensive in-home services, family reunification services, and specialized recruitment and training of foster care families, provided three percent (3%) flexibility is allowed from this section to Section 11.950

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From General Revenue Fund (0101)	\$35,251,584
From Department of Social Services Federal Fund (0610).....	<u>21,685,931</u>
Total.....	\$56,937,515

SECTION 11.371. – To the Department of Social Services

For the Children's Division

For contracts for administration, management, direct supervision of staff, and to implement proven strategies and solutions for Children's Division offices

From Department of Social Services Federal Fund (0610) (one-time).....\$5,000,000

SECTION 11.375. – To the Department of Social Services

For the Children's Division

For adoption subsidy payments, provided ten percent (10%) flexibility is allowed between subsections within this section, and provided five percent (5%) flexibility is allowed between Sections 11.330, 11.335, 11.340, 11.355, 11.375, and 11.385

From General Revenue Fund (0101) \$52,166,202 |From Temporary Assistance for Needy Families Federal Fund (0199)..... 14,439,396 |From Department of Social Services Federal Fund (0610)..... 49,789,561 |

For guardianship subsidy payments, provided ten percent (10%) flexibility is allowed between subsections within this section, and provided five percent (5%) flexibility is allowed between Sections 11.330, 11.335, 11.340, 11.355, 11.375, and 11.385

From General Revenue Fund (0101) 17,501,981 |From Temporary Assistance for Needy Families Federal Fund (0199)..... 11,860,598 |From Department of Social Services Federal Fund (0610)..... 14,661,120 |Total..... \$160,418,858 |**SECTION 11.380.** – To the Department of Social Services

For the Children's Division

For Family Resource Centers

For a Family Resource Center with a primary office location, in any city with more than one hundred five thousand but fewer than one hundred twenty-five thousand inhabitants, to provide supports to meet the needs of children impacted by foster care or are at risk of entering foster care and their foster/adoptive/kinship/guardianship families including, but not limited to: information dissemination via print and social media; training to caregivers and professionals regarding trauma, attachment, and emerging best practices; peer support groups; social and community activities; financial and/or material supports; respite care; advocacy, navigation, and support, including kinship navigator and Fostering Prevention; in-home therapeutic services, including Behavioral Interventionist Program; and youth aging out services, including the Community Connections Youth Project Program and Aging Out Solutions. And to provide recruitment efforts for children impacted by foster care in these same counties, to secure foster/adoptive/kinship/guardianship families through methods including, but not limited to:

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Matter in bold-face type is proposed language.

traditional foster/adoptive family recruitment, with a focus on meeting the unique cultural needs of children; specialized foster/adoptive family recruitment, such as Treatment Foster Care, Elevated Needs Foster Care, or Specialized care of a child with medical or other special needs; child-specific recruitment for older youth and sibling groups, which may include family finding, Extreme Family Finding, and 30 Days to Family

From General Revenue Fund (0101)	\$3,198,434
From Temporary Assistance for Needy Families Federal Fund (0199).....	391,910
From Department of Social Services Federal Fund (0610).....	5,807,580

For a Family Resource Center with a primary office location, in any city with more than forty thousand but fewer than fifty-one thousand inhabitants and partially located in a county with more than seventy thousand but fewer than eighty thousand inhabitants, to provide supports to meet the needs of children impacted by foster care or are at risk of entering foster care and their foster/adoptive/kinship/ guardianship families: including, but not limited to: information dissemination via print and social media; training to caregivers and professionals regarding trauma, attachment, and emerging best practices; peer support groups; social and community activities; financial and/or material supports; respite care; advocacy, navigation, and support, including kinship navigator; in-home therapeutic services, including Behavioral Interventionist Program; and youth aging out services, including the Community Connections Youth Project Program and Aging Out Solutions. And to provide recruitment efforts for children impacted by foster care in these same counties, to secure foster/adoptive/kinship/ guardianship families through methods including, but not limited to: traditional foster/adoptive family recruitment, with a focus on meeting the unique cultural needs of children; specialized foster/adoptive family recruitment, such as Treatment Foster Care, Elevated Needs Foster Care, or Specialized care of a child with medical or other special needs; child-specific recruitment for older youth and sibling groups, which may include family finding, Extreme Family Finding, and 30 Days to Family

From General Revenue Fund (0101)	3,059,828
From Temporary Assistance for Needy Families Federal Fund (0199).....	326,023
From Department of Social Services Federal Fund (0610).....	4,686,171

For a Family Resource Center with a primary office location in any county with more than one million inhabitants to provide supports to meet the needs of children impacted by foster care and their foster/adoptive/kinship/guardianship families including, but not limited to: information dissemination via print and social media; training to caregivers and professionals regarding trauma, attachment, and emerging best practices; peer support groups; social and community activities; financial and/or material supports; respite care; advocacy, navigation, and support, including kinship navigator; in-home therapeutic services; and youth aging out services, including employment and housing. And to provide recruitment efforts for children impacted by foster care in these same

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Matter in bold-face type is proposed language.

counties, to secure foster/adoptive/kinship/ guardianship families through methods including, but not limited to: traditional foster/adoptive family recruitment, with a focus on meeting the unique cultural needs of children through the RESPOND program; specialized foster/adoptive family recruitment, such as Treatment Foster Care, Elevated Needs Foster Care, or Specialized care of a child with medical or other special needs; child-specific recruitment for older youth and sibling groups, which may include family finding, Extreme Recruitment, and 30 Days to Family

From General Revenue Fund (0101) 2,745,302
 From Temporary Assistance for Needy Families Federal Fund (0199)..... 271,142
 From Department of Social Services Federal Fund (0610)..... 3,889,565

For a Family Resource Center located in a city with more than sixteen thousand but fewer than eighteen thousand inhabitants and located in more than one county, and located in a city with more than four thousand nine hundred but fewer than five thousand six hundred inhabitants and located in a county with more than fourteen thousand but fewer than fifteen thousand seven hundred inhabitants and with a county seat with more than four thousand nine hundred but fewer than five thousand five hundred inhabitants, and located in a city with more than four thousand nine hundred but fewer than five thousand six hundred inhabitants and that is the county seat of a county with more than twelve thousand five hundred but fewer than fourteen thousand inhabitants

From General Revenue Fund (0101) 600,000

For a Family Resource Center located in a county with more than seventeen thousand six hundred but fewer than nineteen thousand inhabitants and with a county seat with more than three hundred but fewer than one thousand inhabitants

From General Revenue Fund (0101) 300,000

For a Family Resource Center located in any city with more than thirty-six thousand five hundred but fewer than forty thousand inhabitants

From General Revenue Fund (0101) 500,000

For the Kinship Navigator program

From Department of Social Services Federal Fund (0610)..... 372,318

For additional Behavioral Intervention Services in areas of need

From Department of Social Services Federal Fund (0610)..... 900,000

Total..... \$27,048,273

SECTION 11.385. – To the Department of Social Services

For the Children's Division

For independent living placements and transitional living services, provided five percent (5%) flexibility is allowed between Sections 11.330, 11.335, 11.340, 11.355, 11.375, and 11.385

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

From General Revenue Fund (0101)	\$1,947,584
From Department of Social Services Federal Fund (0610).....	<u>3,671,219</u>
Total.....	\$5,618,803

SECTION 11.390. – To the Department of Social Services

For the Children's Division

For Regional Child Assessment Centers, provided three percent (3%) flexibility
is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$2,249,475
From Department of Social Services Federal Fund (0610).....	1,700,000
From Health Initiatives Fund (0275).....	501,048

For the purpose of funding a child protection center located in any city with more
than four hundred thousand inhabitants and located in more than one county,
serving Jackson, Cass, and Lafayette county, who helps to build a healthier
community by leading the multidisciplinary response to the prevention,
identification, and treatment of child abuse and violence through forensic
interview, family advocacy services, and therapy services for children and
families free of charge

From General Revenue Fund (0101) (one-time)	<u>650,000</u>
Total.....	\$5,100,523

SECTION 11.392. – To the Department of Social Services

For the Children's Division

For Regional Child Assessment Centers

For services and programs administered through the statewide association of
Regional Child Assessment Centers aimed at preventing and combating the
commercial sexual exploitation of children

From General Revenue Fund (0101)	\$500,000
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SECTION 11.395. – To the Department of Social Services

For the Children's Division

For residential placement payments to counties for children in the custody of
juvenile courts

From Department of Social Services Federal Fund (0610).....	\$175,000
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SECTION 11.400. – To the Department of Social Services

For the Children's Division

For CASA IV-E allowable training costs

From Department of Social Services Federal Fund (0610).....	\$150,000
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SECTION 11.405. – To the Department of Social Services

For the Children's Division

For the Child Abuse and Neglect Prevention Grant and Children's Justice Act
Grant

From Department of Social Services Federal Fund (0610).....	\$350,309
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.415. – To the Department of Social Services

For the Children's Division

For transactions involving personal funds of children in the custody of the
Children's Division

From Alternative Care Trust Fund (0905).....\$8,000,000

SECTION 11.500. – To the Department of Social Services

For the Division of Youth Services

For the Central Office and regional offices, provided three percent (3%)
flexibility is allowed from this section to Section 11.950

Personal Service.....\$1,011,576

Expense and Equipment.....81,090

From General Revenue Fund (0101)1,092,666

Personal Service.....242,808

Expense and Equipment.....13,855

From Title XIX - Federal Fund (0163).....256,663

Personal Service.....904,750

Expense and Equipment.....86,672

From Temporary Assistance for Needy Families Federal Fund (0199).....991,422

Expense and Equipment

From Youth Services Treatment Fund (0843)999

Total (Not to exceed 39.30 F.T.E.)\$2,341,750

SECTION 11.505. – To the Department of Social Services

For the Division of Youth Services

For treatment services, including foster care and contractual payments, provided
up to \$500,000 can be used for juvenile court diversion, provided ten percent
(10%) flexibility is allowed between federal funds within this section, and
further provided three percent (3%) flexibility is allowed from this section
to Section 11.950

Personal Service.....\$23,427,323

Expense and Equipment (including \$330,281 one-time)829,834

From General Revenue Fund (0101)24,257,157

Personal Service.....12,209,948

Expense and Equipment.....1,514,661

From Temporary Assistance for Needy Families Federal Fund (0199).....13,724,609

Personal Service.....4,905,341

Expense and Equipment (including \$257,264 one-time)3,828,233

From Title XIX - Federal Fund (0163).....8,733,574

Personal Service.....917,428

Expense and Equipment.....1,125,020

From Department of Social Services Federal Fund (0610).....2,042,448

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	3,817,372
Expense and Equipment.....	<u>3,854,787</u>
From DOSS Educational Improvement Fund (0620)	7,672,159
Personal Service.....	170,842
Expense and Equipment.....	<u>9,106</u>
From Health Initiatives Fund (0275).....	179,948
Expense and Equipment	
From Youth Services Products Fund (0764).....	5,000
For overtime to non-exempt state employees and/or for paying otherwise authorized personal service expenditures in lieu of such overtime payments; non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds to be used to pay overtime to any other state employees	
From General Revenue Fund (0101)	1,085,135
For payment distribution of Social Security benefits received on behalf of youth in care	
From Division of Youth Services Child Benefits Fund (0727)	<u>200,000</u>
Total (Not to exceed 996.38 F.T.E.)	\$57,900,030

SECTION 11.510. – To the Department of Social Services

For the Division of Youth Services

For incentive payments to counties for community-based treatment programs for youth, provided three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$3,479,486
From Gaming Commission Fund (0286)	<u>500,000</u>
Total.....	\$3,979,486

SECTION 11.600. – To the Department of Social Services

For the MO HealthNet Division

For administrative services, provided three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$4,095,097
Expense and Equipment.....	<u>8,747,256</u>
From General Revenue Fund (0101)	12,842,343
Personal Service.....	439,065
Expense and Equipment.....	<u>1,286,088</u>
From FMAP Enhancement - Expansion Fund (2466)	1,725,153

Personal Service.....	8,135,886
Expense and Equipment.....	<u>15,681,834</u>
From Department of Social Services Federal Fund (0610).....	23,817,720

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	517,355
Expense and Equipment.....	<u>55,553</u>
From Pharmacy Rebates Fund (0114).....	572,908
Personal Service.....	125,202
Expense and Equipment.....	<u>232,708</u>
From Federal Reimbursement Allowance Fund (0142).....	357,910
Personal Service.....	32,704
Expense and Equipment.....	<u>356</u>
From Pharmacy Reimbursement Allowance Fund (0144).....	33,060
Personal Service.....	539,195
Expense and Equipment.....	<u>41,385</u>
From Health Initiatives Fund (0275).....	580,580
Personal Service.....	106,594
Expense and Equipment.....	<u>10,281</u>
From Nursing Facility Quality of Care Fund (0271).....	116,875
Personal Service.....	501,135
Expense and Equipment.....	<u>488,041</u>
From Third Party Liability Collections Fund (0120).....	989,176
Expense and Equipment	
From Life Sciences Research Trust Fund (0763).....	3,000
Personal Service	
From Missouri Rx Plan Fund (0779).....	438,742
Personal Service.....	22,690
Expense and Equipment.....	<u>128,466</u>
From Ambulance Service Reimbursement Allowance Fund (0958).....	151,156
Personal Service.....	54,842
Expense and Equipment.....	<u>425,372</u>
From Ground Emergency Medical Transportation Fund (0422).....	480,214
Total (Not to exceed 247.70 F.T.E.).....	\$42,108,847

SECTION 11.605. – To the Department of Social Services

For the MO HealthNet Division

For clinical services management related to the administration of the MO

HealthNet Pharmacy fee-for-service and managed care programs and
administration of the Missouri Rx Plan, provided three percent (3%)
flexibility is allowed from this section to Section 11.950

Expense and Equipment

From General Revenue Fund (0101).....	\$461,917
From Department of Social Services Federal Fund (0610).....	12,214,032

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From Third Party Liability Collections Fund (0120).....	924,911
From Missouri Rx Plan Fund (0779).....	62,947
From Pharmacy Rebates Fund (0114).....	<u>497,648</u>
Total.....	\$14,161,455

SECTION 11.610. – To the Department of Social Services

For the MO HealthNet Division

For MO HealthNet Transformation initiatives

Personal Service.....	\$258,370
Expense and Equipment.....	<u>3,130,458</u>
From General Revenue Fund (0101)	3,388,828

Personal Service.....	258,370
Expense and Equipment.....	<u>7,379,318</u>
From Department of Social Services Federal Fund (0610).....	<u>7,637,688</u>
Total (Not to exceed 6.00 F.T.E.).....	\$11,026,516

SECTION 11.615. – To the Department of Social Services

For the MO HealthNet Division

For fees associated with third-party collections and other revenue maximization

cost avoidance fees

Expense and Equipment

From Department of Social Services Federal Fund (0610).....	\$4,250,000
From Third Party Liability Collections Fund (0120).....	<u>4,250,000</u>
Total.....	\$8,500,000

SECTION 11.620. – To the Department of Social Services

For the MO HealthNet Division

For the operation of the information systems, provided three percent (3%)

flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101) (including \$500,000 one-time).....	\$42,011,988
From FMAP Enhancement - Expansion Fund (2466)	2,416,534
From Department of Social Services Federal Fund (0610)	
(including \$4,500,000 one-time)	117,564,767
From Health Initiatives Fund (0275).....	1,591,687
From Uncompensated Care Fund (0108).....	<u>430,000</u>
Total.....	\$164,014,976

SECTION 11.625. – To the Department of Social Services

For the MO HealthNet Division

For the competitive procurement of technology for a statewide closed-loop social service referral platform for addressing the social determinants of health, defined as nonclinical community and social factors such as housing, food security, transportation, financial strain, and interpersonal safety, that affect health, functioning, and quality-of-life outcomes; the platform shall: share information securely and consistent with all applicable federal and

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state laws regarding individual consent, personal health information, privacy, public records, and data security; provide support and be made available statewide, at minimum, to community-based organizations, state agencies; hospital system, county programs, and safety net healthcare providers; identify social care needs through embedded screening and other data analytics tools; coordinate social care referrals and interventions through closed-loop referrals which include not only if the referral occurred but the outcome of the referral; track and measure the outcomes of referrals and the impact of interventions; support client-level community health records where this information is longitudinally stored; and create a longitudinal view of a client's social care opportunities, the social care needs identified for this client, the social care services that this client has been connected to, and the outcomes of these social care interventions over time; the services procured with the platform shall include a community engagement team to support the development of multisector network, and provide the identification of, training, onboarding, and ongoing support for community-based organizations

Expense and Equipment

From General Revenue Fund (0101)	\$5,000,000
From Department of Social Services Federal Fund (0610)	5,000,000
Total	\$10,000,000

SECTION 11.630. – To the Department of Social Services

For the MO HealthNet Division

For the purpose of supporting the transformation of any or all of the state's existing Health Information Exchanges into a Health Data Utility by providing funds to enhance the existing HIE infrastructure for the purpose of data analysis focused on supporting MO HealthNet. Data analytics provided through the HIE(s) shall provide analysis to MO HealthNet and members focused on enhancing care delivery and system efficiency in the MO HealthNet program and improving health care delivery and outcomes in under-served communities. All HIEs shall be required to maintain strict compliance with all patient privacy protections under HIPAA and any other applicable state or federal laws

From General Revenue Fund (0101)	\$5,000,000
From Department of Social Services Federal Fund (0610)	45,000,000
Total	\$50,000,000

SECTION 11.635. – To the Department of Social Services

For the MO HealthNet Division

For the Money Follows the Person Program

From Department of Social Services Federal Fund (0610)	\$1,532,549
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SECTION 11.700. – To the Department of Social Services

For the MO HealthNet Division, provided three percent (3%) flexibility is allowed from this section to Section 11.950

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For pharmaceutical payments under the MO HealthNet fee-for-service program, professional fees for pharmacists, and for a comprehensive chronic care risk management program, provided ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825

From General Revenue Fund (0101)	\$150,415,220
From Title XIX - Federal Fund (0163)	884,750,919
From Pharmacy Rebates Fund (0114)	260,835,622
From Third Party Liability Collections Fund (0120)	4,217,574
From Pharmacy Reimbursement Allowance Fund (0144)	35,376,122
From Health Initiatives Fund (0275)	3,543,350
From Premium Fund (0885)	3,800,000

For Medicare Part D Clawback payments, provided ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825

From General Revenue Fund (0101)	302,776,815
Total	\$1,645,715,622

SECTION 11.705. – To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding pharmaceutical payments under the Missouri Rx Plan authorized by Sections 208.780 through 208.798, RSMo

From General Revenue Fund (0101)	\$1,396,065
From Missouri Rx Plan Fund (0779)	1,188,774
Total	\$2,584,839

SECTION 11.710. – To the Department of Social Services

For the MO HealthNet Division

For Pharmacy Reimbursement Allowance payments as provided by law

From Pharmacy Reimbursement Allowance Fund (0144)	\$108,000,000
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SECTION 11.715. – To the Department of Social Services

For the MO HealthNet Division

For physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, laboratory and x-ray services, asthma related services, diabetes prevention and obesity related services, services provided by chiropractic physicians, and family planning services under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, and Major Medical Prior Authorization, provided ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825

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From General Revenue Fund (0101)	\$187,282,877
From Title XIX - Federal Fund (0163)	386,362,166
From Pharmacy Reimbursement Allowance Fund (0144)	10,000
From Health Initiatives Fund (0275)	1,427,081
From Third Party Liability Collections Fund (0120)	241,046

For a pilot program that focuses on providing clinical and case management support for pregnant women who are opioid addicted or display key risk factors which indicate a likelihood for addiction; the primary objective of such program(s) shall be avoiding births requiring extraordinary care due to Neonatal Abstinence Syndrome; the secondary objective is the treatment of the mother for substance use

From General Revenue Fund (0101)	475,518
From Title XIX - Federal Fund (0163)	923,475

For a supplemental case management fee to support evidence-based, limited duration mental health treatments to children who have experienced severe physical, sexual, or emotional trauma as a result of abuse or neglect, provided that providers of these evidence-based services document appropriate training or certification in these models

From General Revenue Fund (0101)	424,937
From Title XIX - Federal Fund (0163)	825,063

For payment of physician and related services to Certified Community Behavioral Health Organizations

From General Revenue Fund (0101)	46,001,444
From Title XIX - Federal Fund (0163)	<u>65,756,880</u>
Total	\$689,730,487

SECTION 11.716. – To the Department of Social Services

For the MO HealthNet Division

For the Program for All-Inclusive Care for the Elderly, including program funds for an additional location at a Federally Qualified Health Center that saw more than 45,000 patients last year in a county with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants

From General Revenue Fund (0101)	\$1,490,816
From Title XIX - Federal Fund (0163)	<u>2,894,583</u>
Total	\$4,385,399

SECTION 11.720. – To the Department of Social Services

For the MO HealthNet Division

For dental services under the MO HealthNet fee-for-service program, including adult dental procedure codes (Tier 1-6), provided ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825

From General Revenue Fund (0101)	\$2,522,857
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From Title XIX - Federal Fund (0163).....	5,596,682
From Health Initiatives Fund (0275).....	<u>71,162</u>
Total.....	\$8,190,701

SECTION 11.725. – To the Department of Social Services
For the MO HealthNet Division

For payments to third-party insurers, employers, or policy holders for health insurance, provided ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825, and further provided three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$112,818,979
From Title XIX - Federal Fund (0163).....	<u>250,322,001</u>
Total.....	\$363,140,980

SECTION 11.730. – To the Department of Social Services
For the MO HealthNet Division

For funding long-term care services

For care in nursing facilities under the MO HealthNet fee-for-service program and for contracted services to develop model policies and practices that improve the quality of life for long-term care residents, provided ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825, and further provided five percent (5%) flexibility is allowed from this subsection to the value based incentive payments to nursing facilities subsection within this section

From General Revenue Fund (0101)	\$224,549,351
From Title XIX - Federal Fund (0163).....	571,351,802
From Uncompensated Care Fund (0108)	58,516,478
From Third Party Liability Collections Fund (0120).....	6,992,981

For value based incentive payments to nursing facilities

From General Revenue Fund (0101)	7,619,245
From Title XIX - Federal Fund (0163).....	14,764,755

For home health for the elderly under the MO HealthNet fee-for-service program, provided ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825

From General Revenue Fund (0101)	1,349,762
From Title XIX - Federal Fund (0163).....	2,951,578
From Health Initiatives Fund (0275).....	<u>159,305</u>
Total.....	\$888,255,257

SECTION 11.735. – To the Department of Social Services
For the MO HealthNet Division

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For Nursing Facility Reimbursement Allowance payments as provided by law
 From Nursing Facility Reimbursement Allowance Fund (0196).....\$372,982,362

SECTION 11.740. – To the Department of Social Services

For the MO HealthNet Division

For publicly funded long-term care services and support contracts and funding
 supplemental payments for care in nursing facilities under the nursing
 facility upper payment limit

From Title XIX - Federal Fund (0163).....\$7,228,054
 From Long Term Support UPL Fund (0724).....3,722,714
 Total.....\$10,950,768

SECTION 11.745. – To the Department of Social Services

For the MO HealthNet Division

For all other non-institutional services including, but not limited to,
 rehabilitation, optometry, audiology, ambulance, non-emergency medical
 transportation, durable medical equipment, and eyeglasses under the MO
 HealthNet fee-for-service program, and for rehabilitation services provided
 by residential treatment facilities as authorized by the Children's Division for
 children in the care and custody of the Children's Division, provided ten
 percent (10%) flexibility is allowed between this subsection and Sections
 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765,
 11.770, 11.795, 11.810, 11.815, and 11.825

From General Revenue Fund (0101).....\$114,191,346
 From Title XIX - Federal Fund (0163).....172,787,694
 From Nursing Facility Reimbursement Allowance Fund (0196).....1,414,043
 From Health Initiatives Fund (0275).....194,881
 From Ambulance Service Reimbursement Allowance Fund (0958).....25,466,717

For non-emergency medical transportation, provided ten percent (10%)
 flexibility is allowed between this subsection and Sections 11.700, 11.715,
 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795,
 11.810, 11.815, and 11.825

From General Revenue Fund (0101).....17,687,694
 From Title XIX - Federal Fund (0163).....35,624,702

For the federal share of MO HealthNet reimbursable non-emergency medical
 transportation for public entities

From Title XIX - Federal Fund (0163).....6,830,357
 Total.....\$374,197,434

SECTION 11.750. – To the Department of Social Services

For the MO HealthNet Division

For payments to providers of ground emergency medical transportation

From Ground Emergency Medical Transportation Fund (0422).....\$28,542,286
 From Title XIX - Federal Fund (0163).....55,417,960
 Total.....\$83,960,246

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SECTION 11.755. – To the Department of Social Services

For the MO HealthNet Division

For complex rehabilitation technology items classified within the Medicare program as of January 1, 2014 as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization and/or institutionalization of a complex needs patient; such items shall include, but not be limited to, complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, and other specialized equipment such as standing frames and gait trainers, provided ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825, and further provided three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$3,956,514
From Title XIX - Federal Fund (0163)	7,682,003
Total	\$11,638,517

SECTION 11.760. – To the Department of Social Services

For the MO HealthNet Division

For payment to comprehensive prepaid health care plans for the general plan as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (16), RSMo, provided that the department shall implement programs or measures to achieve cost-savings through emergency room services reform, and further provided that MO HealthNet eligibles described in Section 501(a)(1)(D) of Title V of the Social Security Act may voluntarily enroll in the Managed Care Program, and further provided that the Department shall direct its contracted actuary to develop an Aged, Blind, and Disabled rate cell inside the MO HealthNet Managed Care program to reflect the cost of those members choosing to be enrolled in a managed care plan, and further provided ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825

From General Revenue Fund (0101)	\$495,530,261
From Title XIX - Federal Fund (0163)	1,576,296,603
From Uncompensated Care Fund (0108)	33,848,436
From Health Initiatives Fund (0275)	18,590,380
From Federal Reimbursement Allowance Fund (0142)	155,083,260
From Healthy Families Trust Fund (0625)	14,735,373
From Life Sciences Research Trust Fund (0763)	26,697,272
From Premium Fund (0885)	9,259,854
From Ambulance Service Reimbursement Allowance Fund (0958)	1,904,607

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For supplemental Medicare parity payments to primary care physicians relating to maternal-fetal medicine, neonatology, and pediatric cardiology	
From General Revenue Fund (0101)	998,587
From Title XIX - Federal Fund (0163)	1,939,298
For a pilot program to seek a waiver or state plan amendment to provide postpartum care for up to twelve (12) months to women with substance use disorder, provided the cost of the program funded by state match shall not exceed \$750,000, and further provided that this program shall be budget neutral to overall state and federal spending	
From General Revenue Fund (0101)	382,084
From Title XIX - Federal Fund (0163)	927,601
From Federal Reimbursement Allowance Fund (0142)	95,664
For supplemental payments to Tier 1 Safety Net Hospitals, or to any affiliated physician group that provides physicians for any Tier 1 Safety Net Hospital, for physician and other healthcare professional services as approved by the Centers for Medicare and Medicaid Services	
From Title XIX - Federal Fund (0163)	45,646,568
From Department of Social Services Intergovernmental Transfer Fund (0139)	23,486,073
Total	\$2,405,421,921

SECTION 11.765. – To the Department of Social Services

For the MO HealthNet Division

For payment to a comprehensive prepaid health care plan for the specialty plan as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (16), RSMo.	
From General Revenue Fund (0101)	\$110,023,103
From Title XIX - Federal Fund (0163)	252,477,640
From Federal Reimbursement Allowance Fund (0142)	21,102,611
From Ambulance Service Reimbursement Allowance Fund (0958)	300,000
Total	\$383,903,354

SECTION 11.770. – To the Department of Social Services

For the MO HealthNet Division

For hospital care under the MO HealthNet fee-for-service program, graduate medical education, and for a comprehensive chronic care risk management program, provided that the MO HealthNet Division shall track payments to out-of-state hospitals by location, and further provided the department seek a waiver of the institutions for mental disease (IMD) exclusion for inpatient mental health treatment for MO HealthNet participants in psychiatric hospitals pursuant to Section 12003 of the 21st Century Cures Act with the state share through the federal reimbursement allowance, and further provided ten percent (10%) flexibility is allowed between this subsection

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and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825	
From General Revenue Fund (0101)	\$63,730,334
From Title XIX - Federal Fund (0163)	411,622,894
From Federal Reimbursement Allowance Fund (0142)	112,216,293
From Pharmacy Reimbursement Allowance Fund (0144)	15,709
For rate increases for inpatient hospital psychiatric care	
From General Revenue Fund (0101)	8,000,000
From Title XIX - Federal Fund (0163)	16,500,000
From Federal Reimbursement Allowance Fund (0142)	500,000
For Safety Net Payments	
From Healthy Families Trust Fund (0625)	30,365,444
For the Remote Patient Monitoring program that includes in-home visits and/or phone contact by a nurse care manager or electronic monitor; the purpose of such program shall be to ensure that patients are discharged from hospitals to an appropriate level of care and services and that targeted MO HealthNet beneficiaries with chronic illnesses and high-risk pregnancies receive care in the most cost-effective setting	
From Title XIX - Federal Fund (0163)	200,000
From Federal Reimbursement Allowance Fund (0142)	200,000
For the Rx Reminder program, facilitating medication compliance for chronically ill MO HealthNet participants identified by the division as having high utilization of acute care because of poor management of their condition	
From Title XIX - Federal Fund (0163)	215,000
From Federal Reimbursement Allowance Fund (0142)	215,000
Total	\$643,780,674
SECTION 11.771. – To the Department of Social Services	
For the MO HealthNet Division	
For cardiology and equipment for a medical center located in any city with more than sixteen thousand but fewer than eighteen thousand inhabitants and partially located in a county with more than thirty-five thousand but fewer than forty thousand inhabitants	
From General Revenue Fund (0101) (one-time)	\$2,500,000
For the expansion of the medical and dental program at a hospital located in any city with more than one thousand seven hundred but fewer than one thousand nine hundred inhabitants and located in a county with more than twenty-five thousand but fewer than thirty thousand inhabitants and with a county seat with more than five hundred but fewer than two thousand five hundred inhabitants	
From General Revenue Fund (0101) (one-time)	1,500,000

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For expenses and improvements for a hospital located in any city with more than three thousand but fewer than three thousand four hundred inhabitants and located in a county with more than fifteen thousand seven hundred but fewer than seventeen thousand six hundred inhabitants and with a county seat with more than three thousand six hundred but fewer than four thousand two hundred ten inhabitants	
From General Revenue Fund (0101) (one-time)	100,000
For technology replacements of a cardiac catheterization lab for a regional hospital located in any city with more than four thousand four hundred but fewer than four thousand nine hundred inhabitants and partially located in a county with more than forty thousand but fewer than fifty thousand inhabitants; and expenses for a campus and surgical center expansion to improve health access located in any city with more than fourteen thousand but fewer than sixteen thousand inhabitants and that is the county seat of a county with more than thirty-five thousand but fewer than forty thousand inhabitants	
From General Revenue Fund (0101) (one-time)	4,000,000
For improvements and expenses for a rural clinic located in any city with more than two thousand four hundred but fewer than two thousand seven hundred inhabitants and located in a county with more than thirty-five thousand but fewer than forty thousand inhabitants and with a county seat with more than ten thousand but fewer than fourteen thousand inhabitants	
From General Revenue Fund (0101) (one-time)	1,500,000
For expansion expenses for a hospital procedural unit for a medical office building located in any city with more than eleven thousand but fewer than twelve thousand five hundred inhabitants and that is the county seat of a county with more than thirty-five thousand but fewer than forty thousand inhabitants	
From General Revenue Fund (0101) (one-time)	1,500,000
Total	\$11,100,000

SECTION 11.772. – To the Department of Social Services

For the MO HealthNet Division

For the Transformation of Rural Community Health (ToRCH) Rural Hospital Health Hub

From General Revenue Fund (0101)	\$3,750,000
From Title XIX - Federal Fund (0163)	7,500,000
From Federal Reimbursement Allowance Fund (0142)	3,750,000
Total	\$15,000,000

SECTION 11.773. – To the Department of Social Services

For the MO HealthNet Division

For the purpose a grant to a non-profit hospital headquartered in any county with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants to fund the establishment of a healthcare facility in any

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city with more than twelve thousand five hundred but fewer than fourteen thousand inhabitants and located in a county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than one thousand but fewer than four thousand inhabitants, that includes on-site primary care, urgent and specialty care, occupational medicine, radiology services, and laboratory services

From General Revenue Fund (0101) (one-time)\$7,500,000

SECTION 11.775. – To the Department of Social Services

For the MO HealthNet Division

For a pilot program to reduce pediatric hospital admissions and emergency room visits for the pediatric medically complex population, to improve the quality of life for the children and families while reducing costs associated with hospital admissions and emergency room visits, utilizing a team of medical professionals to assess the individuals, and to provide support for medical care at home, supplies and equipment, mental health care, and care coordination through a partnership with a hospital

From General Revenue Fund (0101)\$750,000

From Title XIX - Federal Fund (0163)..... 750,000

Total.....\$1,500,000

SECTION 11.778. – To the Department of Social Services

For the MO HealthNet Division

For a new health clinic located in any city with more than eight hundred fifty-five but fewer than nine hundred fifty-five inhabitants and located in a county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than four thousand but fewer than seven thousand inhabitants; and to add a mobile optometry unit to service five local counties operating out of a FQHC located in any city with more than three thousand eight hundred but fewer than four thousand four hundred inhabitants and located in a county with more than forty thousand but fewer than fifty thousand inhabitants and with a county seat with more than two thousand but fewer than six thousand inhabitants

From General Revenue Fund (0101) (one-time)\$1,200,000

For a renovation to expand services for a health clinic located in any city with more than twenty thousand but fewer than twenty-three thousand inhabitants and that is the county seat of a county with more than forty thousand but fewer than fifty thousand inhabitants

From General Revenue Fund (0101) (one-time) 630,000

For a non-profit dental clinic located in any city with more than seven thousand but fewer than eight thousand inhabitants and located in a county with more than twenty-five thousand but fewer than thirty thousand inhabitants, where licensed dentists from across the state come and volunteer to make sure that every patient receives quality treatment

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From General Revenue Fund (0101) (one-time)	1,000,000
Total.....	\$2,830,000

SECTION 11.780. – To the Department of Social Services

For the MO HealthNet Division

For payments to Tier 1 Safety Net Hospitals for enhanced rates to providers and to plan and develop a regional Barriers to Care proposal while maximizing eligible costs for federal Medicaid funds, utilizing current state and local funding sources as match for services that are not currently matched with federal Medicaid payments

From Title XIX - Federal Fund (0163).....	\$17,613,590
From Department of Social Services Intergovernmental Transfer Fund (0139)	1,709,202
Total.....	\$19,322,792

SECTION 11.785. – To the Department of Social Services

For the MO HealthNet Division

For Federally Qualified Health Centers (FQHCs)

For grants to Federally Qualified Health Centers

For a loan forgiveness/loan repayment program to offset tuition costs to encourage the recruitment and retention of healthcare professionals in FQHCs

From General Revenue Fund (0101)	\$257,732
--	-----------

For a community health worker initiative that focuses on providing casework services to high utilizers of MO HealthNet Services

From General Revenue Fund (0101)	2,500,000
From Department of Social Services Federal Fund (0610).....	2,500,000

For statewide women and minority health care outreach programs, provided three percent (3%) flexibility is allowed from this section to Section 11.950 Expense and Equipment

From General Revenue Fund (0101)	2,029,796
From Department of Social Services Federal Fund (0610)	2,029,796
Total.....	\$9,317,324

SECTION 11.787. – To the Department of Social Services

For the MO HealthNet Division

For Federally Qualified Health Centers (FQHCs)

For a grant program for a substance abuse prevention network for a FQHC located in a county with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants

From General Revenue Fund (0101)	\$1,000,000
From Department of Social Services Federal Fund (0610).....	1,000,000
From Opioid Addiction Treatment and Recovery Fund (0705)	250,000

For a grant program for a substance abuse prevention network

From General Revenue Fund (0101)	1,000,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Department of Social Services Federal Fund (0610).....	1,000,000
From Opioid Addiction Treatment and Recovery Fund (0705).....	<u>250,000</u>
Total.....	\$4,500,000

SECTION 11.790. – To the Department of Social Services

For the MO HealthNet Division

For payments to technical assistance contractors under Section 330(l) or 330(m) of the Public Health Services Act to assist FQHCs with outreach and engagement of Medicaid beneficiaries assigned to FQHCs to address gaps in preventive services and management of chronic conditions, and for incentive payments

From General Revenue Fund (0101)	\$1,918,645
From Department of Social Services Federal Fund (0610).....	<u>1,918,645</u>
Total.....	\$3,837,290

SECTION 11.795. – To the Department of Social Services

For the MO HealthNet Division

For health homes, provided ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825

From General Revenue Fund (0101)	\$3,652,085
From Title XIX - Federal Fund (0163).....	17,969,376
From Federal Reimbursement Allowance Fund (0142).....	<u>6,027,694</u>
Total.....	\$27,649,155

SECTION 11.800. – To the Department of Social Services

For the MO HealthNet Division

For payments to hospitals under the Federal Reimbursement Allowance Program including state costs to pay for an independent audit of Disproportionate Share Hospital payments as required by the Centers for Medicare and Medicaid Services, for the expenses of the Poison Control Center in order to provide services to all hospitals within the state, and for the Gateway to Better Health 1115 Demonstration

For a continuation of the services provided through Medicaid Emergency Psychiatric Demonstration as required by Section 208.152(16), RSMo

From Title XXI - Children's Health Insurance Program Federal Fund (0159).....	\$103,540,136
From Federal Reimbursement Allowance Fund (0142).....	<u>1,836,963,432</u>
Total.....	\$1,940,503,568

SECTION 11.805. – To the Department of Social Services

For the MO HealthNet Division

For payments to the Tier 1 Safety Net Hospitals and other public hospitals using intergovernmental transfers

From Title XIX - Federal Fund (0163).....	\$25,176,772
From Department of Social Services Intergovernmental Transfer Fund (0139).....	<u>12,964,074</u>
Total.....	\$38,140,846

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.810. – To the Department of Social Services

For the MO HealthNet Division

For funding programs to enhance access to care for uninsured children using fee for service, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services, provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than or equal to 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than or equal to 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the amount of a family's income which is less than or equal to 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than or equal to 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program, provided ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825

From General Revenue Fund (0101)	\$67,401,378
From Title XXI - Children's Health Insurance Program Federal Fund (0159)	261,833,057
From Federal Reimbursement Allowance Fund (0142).....	7,719,204
Total.....	\$336,953,639

SECTION 11.815. – To the Department of Social Services

For the MO HealthNet Division

For the Show-Me Healthy Babies Program authorized by Section 208.662, RSMo, provided ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825, and further provided three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$15,136,244
From Title XXI - Children's Health Insurance Program Federal Fund (0159)	48,503,932
Total.....	\$63,640,176

SECTION 11.820. – To the Department of Social Services

For the MO HealthNet Division

For MO HealthNet services for the Department of Elementary and Secondary Education under the MO HealthNet fee-for-service program

From General Revenue Fund (0101)	\$242,525
From Title XIX - Federal Fund (0163).....	84,139,296
Total.....	\$84,381,821

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.825. – To the Department of Social Services

For the MO HealthNet Division

For medical benefits for blind individuals ineligible for MO HealthNet coverage who receive the Missouri Blind Pension cash grant, provided that individuals under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent of the federal poverty level but greater than or equal to 150 percent of the federal poverty level; eight percent of the amount on a family's income which is less than 225 percent of the federal poverty level but greater than or equal to 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than or equal to 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income equal to or greater than 300 percent of the federal poverty level are ineligible for this program, and further provided ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.770, 11.795, 11.810, 11.815, and 11.825, and further provided three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)\$21,278,866

SECTION 11.830. – To the Department of Social Services

For the MO HealthNet Division

For program distributions related to Section 36(c) of Article IV of the Missouri Constitution

From FMAP Enhancement - Expansion Fund (2466)\$296,029,834
 From Title XIX - Adult Expansion Federal Fund (0358)3,106,776,858
 From Pharmacy Reimbursement Allowance Fund (0144) 673,946
 From Nursing Facility Reimbursement Allowance Fund (0196)..... 322,103
 From Ambulance Service Reimbursement Allowance Fund (0958)..... 565,267
 From Federal Reimbursement Allowance Fund (0142)..... 47,606,270
 Total.....\$3,451,974,278

SECTION 11.832. – To the Department of Social Services

For medical and health related services performed by any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital

From General Revenue Fund (0101)\$0
 From Federal and Other Funds (Various) 0
 Total..... \$0

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 11.850. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the General Revenue

Fund for the purpose of providing the state match for Medicaid payments

From Department of Social Services Intergovernmental

Transfer Fund (0139).....\$137,074,165

SECTION 11.855. – To the Department of Social Services

For the MO HealthNet Division

For payments to the Department of Mental Health for Community Psychiatric

Rehabilitation (CPR) services, Comprehensive Substance Abuse Treatment

and Rehabilitation (CSTAR) services, Targeted Case Management (TCM)

for behavioral health services, and Certified Community Behavioral Health

Organizations (CCBHO) for MO HealthNet participants and the uninsured

From Title XIX - Federal Fund (0163).....\$500,077,646

From Department of Social Services Intergovernmental Transfer

Fund (0139)..... 207,740,879

Total.....\$707,818,525

SECTION 11.860. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Pharmacy

Reimbursement Allowance Fund

From General Revenue Fund (0101)\$38,737,111

SECTION 11.865. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the General Revenue

Fund

From Pharmacy Reimbursement Allowance Fund (0144)\$38,737,111

SECTION 11.870. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Ambulance

Service Reimbursement Allowance Fund

From General Revenue Fund (0101)\$20,837,332

SECTION 11.875. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the General Revenue

Fund

From Ambulance Service Reimbursement Allowance Fund (0958)\$20,837,332

SECTION 11.880. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Federal

Reimbursement Allowance Fund

From General Revenue Fund (0101)\$718,701,378

SECTION 11.885. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the General Revenue

Fund

From Federal Reimbursement Allowance Fund (0142).....\$718,701,378

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.890. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Nursing Facility
Reimbursement Allowance Fund

From General Revenue Fund (0101)\$210,950,510

SECTION 11.895. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the General Revenue
Fund

From Nursing Facility Reimbursement Allowance Fund (0196).....\$210,950,510

SECTION 11.900. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Nursing Facility
Quality of Care Fund in accordance with Section 198.418.1, RSMo, to be
used by the Department of Health and Senior Services for conducting
inspections and surveys and providing training and technical assistance to
facilities licensed under the provisions of Chapter 198

From Nursing Facility Reimbursement Allowance Fund (0196).....\$1,500,000

SECTION 11.905. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Budget
Stabilization Fund

From FMAP Enhancement Fund (0181) (one-time).....\$675,000,000

SECTION 11.906. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Federal Earnings
Fund

From Title XIX - Federal Fund (0163) (one-time)\$188,543,448

SECTION 11.908. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Federal Earnings
Fund

From Department of Social Services Federal Fund (0610) (one-time).....\$27,683,346

SECTION 11.911. – To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Federal Earnings
Fund

From Federal Stimulus - Social Services Fund (2292) (one-time)\$4,000,000

SECTION 11.950. – To the Department of Social Services

Funds are to be transferred out of the State Treasury, for the payment of
claims, premiums, and expenses as provided by Section 105.711 through
105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)\$1

PART 2**SECTION 11.2005.** – To the Department of Social Services

In reference to Section 11.065 of Part 1 of this act:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

No funds shall be expended in furtherance of reimbursement rates greater than \$17 per day.

SECTION 11.2010. – To the Department of Social Services

In reference to Sections 11.330, 11.340, 11.355, and 11.375 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates, including crisis care, greater than thirteen percent (13%) of the rate in effect on January 1, 2023.

SECTION 11.2015. – To the Department of Social Services

In reference to Sections 11.380, 11.505, 11.720, 11.755, and 11.795 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2023.

SECTION 11.2020. – To the Department of Social Services

In reference to Section 11.335 of Part 1 of this act:

No funds shall be expended in furtherance of outdoor learning foster care program provider rates greater than \$180 per day.

SECTION 11.2025. – To the Department of Social Services

In reference to Sections 11.345, 11.745, and 11.765 of Part 1 of this act:

No funds shall be expended in furtherance of Therapeutic Foster Care provider rates greater than: \$173.08 per day for Level 1, \$262.02 per day for Level II.

SECTION 11.2030. – To the Department of Social Services

In reference to Sections 11.350, 11.745, and 11.765 of Part 1 of this act:

No funds shall be expended in furtherance of QRTP/non-IMD rates greater than: \$194.47 per day for Level II, \$239.16 per day for Level III, \$253.80 per day for Level IV. No funds shall be expended in furtherance of QRTP/IMD rates greater than: \$169.16 per day for Level II, \$184.63 per day for Level III, \$221.68 per day for Level IV.

SECTION 11.2035. – To the Department of Social Services

In reference to Sections 11.350, 11.355, 11.745, and 11.765 of Part 1 of this act:

Expenses for children placed in a residential treatment facility shall be covered for placements ordered by the court and not recommended by an independent assessor.

SECTION 11.2040. – To the Department of Social Services

In reference to Sections 11.355 and 11.770 of Part 1 of this act:

No funds shall be expended in furtherance of Psychiatric Residential Treatment Facility (PRTF) provider rates greater than \$471.46 per day.

SECTION 11.2045. – To the Department of Social Services

In reference to Section 11.715 of Part 1 of this act:

No funds shall be expended in furtherance of physician provider rates greater than the rate in effect on January 1, 2023, except rates for Certified Community Behavioral Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health.

SECTION 11.2050. – To the Department of Social Services

In reference to Sections 11.730 and 11.735 of Part 1 of this act:

No funds shall be expended in furtherance of nursing facility provider rates greater than \$10.00 per bed day above the rate in effect on January 1, 2023. If the effective date of the rate increase is after July 1, 2023, any nursing facility provider rate increase shall be prorated over the remaining portion of the fiscal year, but in no event shall the total amount resulting from all provider rate increases to any provider be greater than the amount that would result from implementing a \$10.00 per bed day increase, on July 1, 2023, over the rate in effect on January 1, 2023, to said provider. No funds shall be expended in furtherance of home health provider rates greater than the rate in effect on January 1, 2023. No funds shall be expended for Certified Nursing Assistant (CNA) training reimbursement greater than \$1,500 per enrollee.

SECTION 11.2055. – To the Department of Social Services

In reference to Section 11.745 of Part 1 of this act:

No funds shall be expended in furtherance of rehabilitation and specialty provider rates greater than the rate in effect on January 1, 2023, except providers of non-emergency medical transportation for MO HealthNet and Department of Mental Health for whom no funds shall be expended in furtherance of provider rates greater than the lower bound actuarial soundness rate, and further excepting providers of hospice care, for whom no funds shall be expended in furtherance of provider rates for routine home care, continuous care, inpatient respite care, and general inpatient care greater than the blended rate in effect on January 1, 2023, and for whom no funds shall be expended in furtherance of rates no greater than 95% of the nursing facility per diem rate for room and board for services provided in a nursing facility.

SECTION 11.2060. – To the Department of Social Services

In reference to Sections 11.760 and 11.765 of Part 1 of this act:

No funds shall be expended in furtherance of managed care contract rates greater than the lower bound actuarial soundness rate.

SECTION 11.2065. – To the Department of Social Services

In reference to Sections 11.770 and 11.800 in Part 1 of this act:

Provided that in-patient Medicaid psychiatric free-standing hospitals have a minimum rate equivalent to the state fiscal year 2022 weighted average of the daily rate.

SECTION 11.2070. – To the Department of Social Services

In reference to Section 11.800 of Part 1 of this act:

No funds shall be expended in furtherance of out-of-state payments greater than the state fiscal year 2021 level.

SECTION 11.2075. – To the Department of Social Services

In reference to all sections except for Section 11.830 in Part 1 of this act:

No funds shall be expended for program distributions related to Section 36(c) of Article IV of the Missouri Constitution.

SECTION 11.2080. – To the Department of Social Services

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

PART 3

SECTION 11.3005. – To the Department of Social Services

In reference to Section 11.335 of Part 1 and Part 2 of this act:

Special expenses for clothing allowances shall be paid at least quarterly.

SECTION 11.3010. – To the Department of Social Services

In reference to Sections 11.760 and 11.765 of Part 1 and Part 2 of this act:

Contract changes shall be provided in writing, prior to submission to the Centers for Medicare and Medicaid Services, to the House Budget and Senate Appropriation Committee Chairs.

SECTION 11.3015. – To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

The Department shall provide written notification, prior to submission to the federal government, of state plans and state plan amendments, grant applications, and Medicaid waivers to the House Budget and Senate Appropriation Committee Chairs. The Department shall include in the notification the actual documents submitted to the federal government, as well as the federal government's responses when received.

SECTION 11.3020. – To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

In reference to the Alternative Care Trust Fund (0905), the Department shall provide a quarterly accounting of the money to the parents of the child for whose benefit the funds have been received by the Department; to the guardian ad litem; and to the child, if the child is 15 or older.

SECTION 11.3025. – To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

The Department shall provide written documentation of rate setting, rate studies, time surveys, time studies, and random moment time studies, and the federal and state share fiscal impact estimates, including Title IV-E Foster Care eligibility and participation rates to the House Budget and Senate Appropriation Committee Chairs.

SECTION 11.3030. – To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

The Department shall provide written notification and correspondence from the federal government of non-compliance with federal programs or grants to the House Budget and Senate Appropriation Committee Chairs.

SECTION 11.3035. – To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

The Department shall provide copies of financial reports and public assistance cost allocation plans submitted to the federal government and supporting cash on hand reports, by grant, to the House Budget and Senate Appropriation Committee Chairs.

SECTION 11.3055. – To the Department of Social Services

In reference to all sections, except Section 11.832, in Part 1 and Part 2 of this act:

No funds shall be expended to any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital.

Bill Totals

General Revenue Fund.....	\$2,584,533,164
Federal Funds.....	10,087,100,908
Other Funds.....	<u>3,370,148,604</u>
Total.....	\$16,041,782,676

Approved June 30, 2023

CCS SS SCS HCS HB 12

Appropriates money for expenses, grants, refunds, and distributions of the statewide elected officials, the Judiciary, the Office of Public Defender, and the General Assembly

AN ACT to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2023 and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

PART 1

SECTION 12.000. – Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an appropriation identified as “one-time” in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.005. – To the Governor

Personal Service and/or Expense and Equipment \$3,034,059
 Annual salary adjustment in accordance with Section 105.005, RSMo..... 1,756
 From General Revenue Fund (0101) 3,035,815

Personal Service and/or Expense and Equipment

From DOLIR Administrative Fund (0122) 43,596
 From Department of Mental Health Federal Fund (0148) 2,918
 From Division of Tourism Supplemental Revenue Fund (0274) 21,860
 From Gaming Commission Fund (0286) 5,885
 From DNR Cost Allocation Fund (0500) 34,834
 From State Facility Maintenance and Operation Fund (0501) 15,371
 From DCI Administrative Fund (0503) 11,841
 From Department of Economic Development Administrative Fund (0547) 27,084
 From Division of Finance Fund (0550) 5,650
 From Insurance Dedicated Fund (0566) 9,538
 From Professional Registration Fees Fund (0689) 34,498
 From Agriculture Protection Fund (0970) 31,791

Personal Service and/or Expense and Equipment for the Mansion

From General Revenue Fund (0101) 312,160
 Total (Not to exceed 37.50 F.T.E.) \$3,592,841

SECTION 12.010. – To the Governor

For expenses incident to emergency duties performed by the National Guard
 when ordered out by the governor

From General Revenue Fund (0101) \$4,000,001

SECTION 12.015. – To the Governor

For conducting special audits

From General Revenue Fund (0101) \$30,000

SECTION 12.025. – To the Lieutenant Governor

Personal Service and/or Expense and Equipment \$903,110
 Annual salary adjustment in accordance with Section 105.005, RSMo..... 1,136
 From General Revenue Fund (0101) 904,246

Personal Service and/or Expense and Equipment

From Missouri Arts Council Trust Fund (0262) 41,233

For a library and museum, located in a city with more than one hundred five
 thousand but fewer than one hundred twenty-five thousand inhabitants,
 which promotes awareness and presidents from Missouri

From General Revenue Fund (0101) (one-time) 2,000,000
 Total (Not to exceed 8.00 F.T.E.) \$2,945,479

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 12.030. – To the Lieutenant Governor

For the Missouri State Council on the Arts, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment Expense and Equipment	
From Department of Economic Development - Missouri Council on the Arts	
Federal Fund (0138)	\$1,205,344
Personal Service.....	1,119,445
Expense and Equipment.....	<u>8,912,601</u>
From Missouri Arts Council Trust Fund (0262)	10,032,046
For a preeminent orchestra with a commitment to educational and community outreach efforts, for the maintenance, construction, renovations or repairs to the venue, located in a city not within a county	
From Missouri Arts Council Trust Fund (0262) (one-time)	3,000,000
For grants to public television and radio stations as provided in Section 143.183, RSMo	
From Missouri Public Broadcasting Corporation Special Fund (0887).....	1,851,667
For the Missouri Humanities Council	
Expense and Equipment	
From the Missouri Humanities Council Trust Fund (0177).....	2,101,667
For a museum located in a city not within a county that collects, preserves, and shares the stories, culture, and history of black people with a focus on those with a regional connection to a city not within a county	
From Missouri Humanities Council Trust Fund (0177).....	150,000
For a museum that commemorates the contributions of African-Americans to the sport of baseball	
From the Missouri Humanities Council Trust Fund (0177) (including \$400,000 one-time).....	1,000,000
For a Historical Education Center associated with a museum that commemorates the contributions of African-Americans to the sport of baseball	
From Missouri Humanities Council Trust Fund (0177) (one-time)	350,000
For an Urban Academy, located within a home rule city with more than 400,000 inhabitants and located in more than one county, which provides athletic programming targeting underserved youth	
From the Missouri Humanities Council Trust Fund (0177).....	200,000
For a grant to support the renovation and improvements of a nonprofit, volunteer-driven theatre organization located in any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants	
From Missouri Humanities Council Trust Fund (0177) (one-time)	2,500,000
For grants to nonprofit repertory theatres to enhance and expand services to the communities	
From Missouri Humanities Council Trust Fund (0177) (one-time)	3,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For a century-old viable non-profit entity located in a city not within a county that annually serves over one hundred thousand clients regionally in efforts to encourage, engage, African-American creatives and provide educational and training for residents to experience African-American art and culture	
From Missouri Humanities Council Trust Fund (0177) (one-time)	2,000,000
For a grant to an independent university located in any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants for the renovation of a building	
From Missouri Humanities Council Trust Fund (0177) (one-time)	3,000,000
For a grant to a nonprofit, historical society located in any county with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants	
From Missouri Humanities Council Trust Fund (0177) (one-time)	300,000
Funding for the revitalization of a Missouri Agricultural historical homestead located in any village with more than fifty-two but fewer than sixty-one inhabitants and located in a county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants and with a county seat with more than twelve thousand five hundred but fewer than sixteen thousand inhabitants	
From Missouri Humanities Council Trust Fund (0177) (one-time)	750,000
For a theatre located in any city not within a county, to provide funding for an after-school drama program, designed to support the development of healthy social-emotional gains as well as support key literacy skills, self-confidence, team building and teamwork, empathy, and problem solving	
From Missouri Humanities Council Trust Fund (0177) (one-time)	200,000
Total (Not to exceed 15.00 F.T.E.)	\$31,640,724

SECTION 12.035. – To the Lieutenant Governor

Funds are to be transferred out of the State Treasury to the Missouri Arts Council Trust Fund as authorized by Sections 143.183 and 185.100, RSMo

From General Revenue Fund (0101) (including \$3,000,000 one-time).....\$15,602,323

SECTION 12.040. – To the Lieutenant Governor

Funds are to be transferred out of the State Treasury to the Missouri Humanities Council Trust Fund as authorized by Sections 143.183 and 186.065, RSMo

From General Revenue Fund (0101) (including \$12,500,000 one-time).....\$18,051,667

SECTION 12.045. – To the Lieutenant Governor

Funds are to be transferred out of the State Treasury to the Missouri Public Broadcasting Corporation Special Fund as authorized by Section 143.183, RSMo

From General Revenue Fund (0101)

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.055. – To the Secretary of State

Personal Service and/or Expense and Equipment	\$10,964,742
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,414
From General Revenue Fund (0101)	10,966,156

Personal Service and/or Expense and Equipment

From Election Administration Improvements Fund (0157)	340,859
From Secretary of State - Federal Fund (0195).....	469,863
From Secretary of State's Technology Trust Fund Account (0266).....	3,620,958
From Local Records Preservation Fund (0577).....	1,584,902
From Wolfner Library Trust Fund (0928).....	30,000
From Investor Education and Protection Fund (0829)	1,362,799
Total (Not to exceed 267.30 F.T.E.)	\$18,375,537

SECTION 12.060. – To the Secretary of State

For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, or other governmental agencies provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they will be expended, in writing, prior to the expenditure of said funds

From Secretary of State - Federal Fund (0166).....	\$200,000
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SECTION 12.065. – To the Secretary of State

For refunds of securities, corporations, uniform commercial code, and miscellaneous collections of the Secretary of State's Office

From General Revenue Fund (0101)	\$50,000
From Secretary of State's Technology Trust Fund Account (0266).....	10,000
Total.....	\$60,000

SECTION 12.070. – To the Secretary of State

For reimbursement to victims of securities fraud and other violations pursuant to Section 409.6-603, RSMo

From Investor Restitution Fund (0741)	\$2,000,000
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SECTION 12.075. – To the Secretary of State

For implementation of the Missouri Family Trust Company Act

From Family Trust Company Fund (0810)	\$20,000
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SECTION 12.080. – To the Secretary of State

For expenses of initiative referendum and constitutional amendments

From General Revenue Fund (0101)	\$1
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SECTION 12.085. – To the Secretary of State

For election costs associated with absentee ballots

From General Revenue Fund (0101)	\$70,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.090. – To the Secretary of State

For election reform grants, transactions costs, election administration
improvements within Missouri, support of Help America Vote Act activities,
and the state's share of election costs as required by Chapter 115, RSMo

From Election Administration Improvements Fund (0157)\$22,350,495

SECTION 12.095. – To the Secretary of State

Funds are to be transferred out of the State Treasury to the Election
Administration Improvements Fund

From General Revenue Fund (0101)\$4,284,000

SECTION 12.100. – To the Secretary of State

For historical repository grants

From Secretary of State Records - Federal Fund (0150)..... \$50,000

SECTION 12.105. – To the Secretary of State

For local records preservation grants

From Local Records Preservation Fund (0577)..... \$400,000

SECTION 12.110. – To the Secretary of State

For preserving legal, historical, and genealogical materials and making them
available to the public

From State Document Preservation Fund (0836) \$25,000

SECTION 12.115. – To the Secretary of State

For aid to public libraries

From General Revenue Fund (0101)\$4,504,001

SECTION 12.120. – To the Secretary of State

For the Remote Electronic Access for Libraries Program

From General Revenue Fund (0101)\$3,109,250

SECTION 12.125. – To the Secretary of State

For all allotments, grants, and contributions from the federal government or from
any sources that may be deposited in the State Treasury for the use of the
Missouri State Library

From Secretary of State - Federal Fund (0195).....\$4,125,000

SECTION 12.130. – To the Secretary of State

For library networking grants and other grants and donations

From Library Networking Fund (0822).....\$3,350,000

SECTION 12.135. – To the Secretary of State

Funds are to be transferred out of the State Treasury to the Library
Networking Fund

From General Revenue Fund (0101)\$3,250,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.140. – To the Secretary of State

For the publication of the Official Manual of Missouri by the University of Missouri Press, provided that all copies are sold at cost and proceeds are deposited into the Blue Book Printing Fund

From Blue Book Printing Fund (0471)..... \$50,000

***SECTION 12.165.** – To the State Auditor

Personal Service and/or Expense and Equipment \$9,758,886

Annual salary adjustment in accordance with Section 105.005, RSMo..... 1,414

From General Revenue Fund (0101) 9,760,300

Personal Service and/or Expense and Equipment

From State Auditor - Federal Fund (0115) 1,808,688

From Conservation Commission Fund (0609) 57,751

From Parks Sales Tax Fund (0613)..... 27,540

From Soil and Water Sales Tax Fund (0614)..... 26,580

From Petition Audit Revolving Trust Fund (0648) 1,051,271

Total (Not to exceed 161.77 F.T.E.) \$12,732,130

*I hereby veto \$2,563,061, including \$1,853,920 general revenue, for the State Auditor for salary adjustments and expense and equipment. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Personal Service and/or Expense and Equipment by \$1,853,920 from \$9,758,886 to \$7,904,966 from General Revenue Fund.

From \$9,760,300 to \$7,906,380 in total from General Revenue Fund.

Personal Service and/or Expense and Equipment by \$709,141 from \$1,808,688 to \$1,099,547 from State Auditor - Federal Fund.

From \$1,808,688 to \$1,099,547 in total from State Auditor - Federal Fund.

From \$12,732,130 to \$10,169,069 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.185. – To the State Treasurer

Personal Service and/or Expense and Equipment \$3,100,613

Annual salary adjustment in accordance with Section 105.005, RSMo..... 1,414

From State Treasurer's General Operations Fund (0164)..... 3,102,027

Personal Service and/or Expense and Equipment

From Central Check Mailing Service Revolving Fund (0515)..... 115,340

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For Unclaimed Property Division administrative costs including personal service
and expense and equipment for auctions, advertising, and promotions
From Abandoned Fund Account (0863) 2,373,657

For the Missouri Empowerment Scholarship Accounts Program
From Missouri Empowerment Scholarship Accounts Fund (0278)..... 1,030,636

For preparation and dissemination of information or publications, or for
refunding overpayments
From Treasurer's Information Fund (0255)..... 8,000
Total (Not to exceed 54.40 F.T.E.) \$6,629,660

SECTION 12.190. – To the State Treasurer

For issuing duplicate checks or drafts and outlawed checks as provided by law
From General Revenue Fund (0101) \$13,000,000

SECTION 12.195. – To the State Treasurer

For payment of claims for abandoned property transferred by holders to the state
From Abandoned Fund Account (0863) \$58,000,000

SECTION 12.200. – To the State Treasurer

For transfer of such sums as may be necessary to make payment of claims from
the Abandoned Fund Account pursuant to Chapter 447, RSMo
From General Revenue Fund (0101) \$17,500,000

SECTION 12.205. – To the State Treasurer

Funds are to be transferred out of the State Treasury to the General Revenue
Fund
From Abandoned Fund Account (0863) \$108,000,000

SECTION 12.210. – To the State Treasurer

For refunds of excess interest from the Linked Deposit Program
From General Revenue Fund (0101) \$2,500

SECTION 12.215. – To the State Treasurer

Funds are to be transferred out of the State Treasury to the General Revenue
Fund
From Debt Offset Escrow Fund (0753)..... \$200,000

SECTION 12.220. – To the State Treasurer

Funds are to be transferred out of the State Treasury to the General Revenue
Fund
From Other Funds (Various) \$3,000,000

SECTION 12.225. – To the State Treasurer

Funds are to be transferred out of the State Treasury to the State Public
School Fund
From Abandoned Fund Account (0863) \$5,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.245. – To the Attorney General

Personal Service and/or Expense and Equipment	\$16,131,364
Annual salary adjustment in accordance with Section 105.005, RSMo	1,527
From General Revenue Fund (0101)	16,132,891
Personal Service and/or Expense and Equipment	
From Attorney General - Federal Fund (0136)	3,109,487
From Gaming Commission Fund (0286)	171,245
From Historic Preservation Revolving Fund (0430)	1,969
From Natural Resources Protection Fund-Water Pollution Permit Fee	
Subaccount (0568)	209,944
From Solid Waste Management Fund (0570)	31,025
From Petroleum Storage Tank Insurance Fund (0585)	33,810
From Motor Vehicle Commission Fund (0588)	60,639
From Health Spa Regulatory Fund (0589)	5,000
From Natural Resources Protection Fund-Air Pollution Permit Fee	
Subaccount (0594)	33,068
From Attorney General's Court Costs Fund (0603)	187,000
From Parks Sales Tax Fund (0613)	36,602
From Soil and Water Sales Tax Fund (0614)	1,969
From Merchandising Practices Revolving Fund (0631) (including \$39,032 one-time)	5,745,817
From Workers' Compensation Fund (0652)	546,764
From Workers' Compensation - Second Injury Fund (0653)	3,623,916
From Lottery Enterprise Fund (0657)	70,985
From Groundwater Protection Fund (0660)	1,969
From Antitrust Revolving Fund (0666)	732,862
From Hazardous Waste Fund (0676)	183,641
From Safe Drinking Water Fund (0679)	40,484
From Inmate Incarceration Reimbursement Act Revolving Fund (0828)	166,439
From Mined Land Reclamation Fund (0906)	21,171
For family law and criminal prosecution services	
From General Revenue Fund (0101)	400,000
Total (Not to exceed 380.05 F.T.E.)	\$31,548,697

SECTION 12.250. – To the Attorney General

For law enforcement, domestic violence, victims' services, sexual assault evidence collection, testing, and tracking in collaboration with the Departments of Public Safety and Social Services through a Memorandum of Understanding (MOU), provided that ten percent (10%) flexibility is allowed from this section to Section 12.245 if the Attorney General receives such grant	
From Attorney General - Federal Fund (0136) (Not to exceed 5.00 F.T.E.)	\$3,140,108

SECTION 12.255. – To the Attorney General

For a Violent Crimes Task Force

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service and/or Expense and Equipment
 From General Revenue Fund (0101) (Not to exceed 10.00 F.T.E.) \$989,307

SECTION 12.260. – To the Attorney General

For a Medicaid fraud unit

Personal Service and/or Expense and Equipment
 From General Revenue Fund (0101) \$799,211
 From Attorney General - Federal Fund (0136) 2,306,980
 From MO HealthNet Fraud Prosecution Revolving Fund (0252)..... 289,496
 Total (Not to exceed 29.00 F.T.E.) \$3,395,687

SECTION 12.265. – To the Attorney General

For the Missouri Office of Prosecution Services

Personal Service and/or Expense and Equipment
 From General Revenue Fund (0101) \$1,514,497
 From Missouri Office of Prosecution Services - Federal Fund (0107) 1,198,871
 From Missouri Office of Prosecution Services Fund (0680) 2,237,913
 From Missouri Office of Prosecution Services Revolving Fund (0844) 172,417

For distribution through the Office of Administration to counties pursuant to

Section 56.700, RSMo

From General Revenue Fund (0101) 143,550
 Total (Not to exceed 12.00 F.T.E.) \$5,267,248

SECTION 12.270. – To the Attorney General

For the fulfillment or failure of conditions, or other such developments,
 necessary to determine the appropriate disposition of such funds, to those
 individuals, entities, or accounts within the State Treasury, certified by the
 Attorney General as being entitled to receive them

From Attorney General Trust Fund (0794) \$4,000,000

SECTION 12.275. – To the Attorney General

Funds are to be transferred out of the State Treasury to the Attorney
 General's Court Costs Fund

From General Revenue Fund (0101) \$124,200

SECTION 12.280. – To the Attorney General

Funds are to be transferred out of the State Treasury to the Antitrust
 Revolving Fund

From General Revenue Fund (0101) \$51,750

SECTION 12.300. – To the Supreme Court

For funding Judicial Proceedings and Review, provided twenty-five percent
 (25%) flexibility is allowed between personal service and expense and
 equipment, and further provided twenty-five percent (25%) flexibility is
 allowed between Sections 12.300 through 12.380, excluding Sections
 12.325 and 12.375

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

Personal Service.....	\$3,793,051
Expense and Equipment (including \$3,804,510, as one-time).....	<u>4,905,296</u>
From General Revenue Fund (0101)	8,698,347

Personal Service	
From Judiciary - Federal Fund (0137)	624,985
Expense and Equipment	
From Supreme Court Publications Revolving Fund (0525)	<u>151,683</u>
Total (Not to exceed 76.00 F.T.E.)	\$9,475,015

SECTION 12.305. – To the Supreme Court

For the salaries of Supreme Court Judges and Chief Justice

Personal Service.....	\$1,252,835
Annual salary adjustment in accordance with Section 476.405, RSMo.....	<u>54,510</u>
From General Revenue Fund (0101) (Not to exceed 7.00 F.T.E.)	\$1,307,345

SECTION 12.310. – To the Supreme Court

For funding the State Courts Administrator and implementing and supporting an integrated case management system, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Personal Service.....	\$9,690,522
Expense and Equipment.....	<u>6,860,258</u>
From General Revenue Fund (0101)	16,550,780

For the preservation of expunged records in accordance with Section 2 of Article XIV of the Constitution of Missouri

Expense and Equipment	
From Veterans, Health, and Community Reinvestment Fund (0608) (one-time)	360,000
Expense and Equipment	
From State Court Administration Revolving Fund (0831)	60,000
Expense and Equipment	
From Crime Victims' Compensation Fund (0681)	<u>887,200</u>
Total (Not to exceed 156.50 F.T.E.)	\$17,857,980

SECTION 12.315. – To the Supreme Court

For funding court improvement projects and receiving grants and contributions of funds from the federal government or from any other source which may be deposited into the State Treasury for use of the Supreme Court and other state courts, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$2,918,062
Expense and Equipment.....	<u>5,614,938</u>
From Judiciary - Federal Fund (0137)	8,533,000

Personal Service.....	112,937
Expense and Equipment.....	4,866
Program Specific Distribution	<u>5,000,000</u>
From Basic Civil Legal Services Fund (0757).....	<u>5,117,803</u>
Total (Not to exceed 48.25 F.T.E.)	\$13,650,803

SECTION 12.320. – To the Supreme Court

For funding the development and implementation of a program of statewide court automation, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Expense and Equipment	
From General Revenue Fund (0101)	\$2,000,841

Personal Service.....	2,996,506
Expense and Equipment.....	<u>3,632,759</u>
From Statewide Court Automation Fund (0270)	<u>6,629,265</u>
Total (Not to exceed 46.00 F.T.E.)	\$8,630,106

SECTION 12.325. – To the Supreme Court

Funds are to be transferred out of the State Treasury to the Judiciary
Education and Training Fund

From General Revenue Fund (0101)	\$2,050,306
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SECTION 12.330. – To the Supreme Court

For Judicial Education and Training, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Personal Service.....	\$715,746
Expense and Equipment.....	<u>876,761</u>
From Judiciary Education and Training Fund (0847)	1,592,507

Expense and Equipment	
From Judiciary - Federal Fund (0137)	<u>229,911</u>
Total (Not to exceed 11.00 F.T.E.)	\$1,822,418

***SECTION 12.335. – To the Supreme Court**

For funding the three (3) Courts of Appeals, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$7,849,026
Expense and Equipment (including \$12,952 as one-time)	<u>1,279,613</u>
From General Revenue Fund (0101) (Not to exceed 135.85 F.T.E.).....	\$9,128,639

*I hereby veto \$57,721 general revenue for security staff for the Southern District Court of Appeals. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Personal Service by \$54,026 from \$7,849,026 to \$7,795,000 from General Revenue Fund.
Expense and Equipment by \$3,695 from \$1,279,613 to \$1,275,918 from General Revenue Fund.
From \$9,128,639 to \$9,070,918 in total from General Revenue Fund.
From \$9,128,639 to \$9,070,918 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.340. – To the Supreme Court

For the salaries of Appeals Court Judges

Personal Service.....	\$5,202,278
Annual salary adjustment in accordance with Section 476.405, RSMo.....	<u>226,592</u>
From General Revenue Fund (0101) (Not to exceed 32.00 F.T.E.).....	\$5,428,870

SECTION 12.345. – To the Supreme Court

For funding the Circuit Courts, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Personal Service.....	\$111,151,774
Annual salary adjustment in accordance with Section 476.405, RSMo.....	<u>2,247,768</u>
Expense and Equipment (including \$27,270 as one-time)	<u>5,053,192</u>
From General Revenue Fund (0101)	118,452,734

Personal Service.....	4,916,047
Expense and Equipment.....	<u>1,831,830</u>
From Judiciary - Federal Fund (0137)	6,747,877

Personal Service.....	335,793
Expense and Equipment.....	<u>128,039</u>
From Third Party Liability Collections Fund (0120).....	463,832

For the expungement of records in accordance with Section 2 of Article XIV of the Constitution of Missouri

Personal Service	
From Veterans, Health, and Community Reinvestment Fund (0608)	
(including \$4,183,702 one-time)	<u>4,547,684</u>

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From State Court Administration Revolving Fund (0831)	170,000
For the payment to counties for salaries of juvenile court personnel as provided by the formula in Sections 211.393 and 211.394, RSMo	
From General Revenue Fund (0101)	17,767,376
For making payments due from litigants in court proceedings under set-off against debts authority as provided in Section 488.020(3), RSMo, provided twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.305, 12.325, 12.335, 12.340, 12.350 and 12.375	
From Circuit Courts Escrow Fund (0718)	4,079,958
Total (Not to exceed 2,588.70 F.T.E.)	\$152,229,461

SECTION 12.350. – To the Supreme Court

For the salaries of the Circuit Court Judges, Associate Circuit Court Judges, Senior Judges, Probate Commissioners, Deputy Probate Commissioners, Treatment Court Commissioners, and Family Court Commissioners	
Personal Service	\$58,233,396
Annual salary adjustment in accordance with Section 476.405, RSMo	2,267,916
From General Revenue Fund (0101) (Not to exceed 399.00 F.T.E.)	\$60,501,312

SECTION 12.355. – To the Supreme Court

For funding the court-appointed special advocacy program statewide office	
From General Revenue Fund (0101)	\$1,060,000
For funding court-appointed special advocacy programs as provided in Section 476.777, RSMo	
From Missouri CASA Fund (0590)	100,000
Total	\$1,160,000

SECTION 12.360. – To the Supreme Court

For funding costs associated with creating the handbook and other programs as provided in Section 452.554, provided twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.305, 12.325, 12.335, 12.340, 12.350 and 12.375	
From Domestic Relations Resolution Fund (0852)	\$300,000

**SECTION 12.365. – To the Commission on Retirement, Removal, and Discipline
of Judges**

For funding the expenses of the Commission, provided twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375	
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$339,974
Expense and Equipment.....	<u>43,520</u>
From General Revenue Fund (0101) (Not to exceed 2.75 F.T.E.)	\$383,494

SECTION 12.370. – To the Supreme Court

For funding the expenses of the members of the Appellate Judicial Commission and the several circuit judicial commissions in circuits having the non-partisan court plan, and for services rendered by clerks of the Supreme Court, courts of appeals, and clerks in circuits having the non-partisan court plan for giving notice of and conducting elections as ordered by the Supreme Court, provided twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375	
From General Revenue Fund (0101)	\$7,866

SECTION 12.375. – To the Supreme Court

Funds are to be transferred out of the State Treasury to the Treatment Court Resources Fund	
From General Revenue Fund (0101)	\$12,059,025

SECTION 12.380. – To the Supreme Court

For funding treatment courts	
Personal Service.....	\$373,815
Expense and Equipment.....	<u>10,579,792</u>

For funding treatment programs focused on medication assisted treatment for Missourians with substance use disorder related to alcohol and opioid addiction. The Treatment Courts Coordinating Commission shall enter into agreements with drug courts, DWI courts, veteran's courts, and other treatment courts of this state in order to fund medication assisted treatment programs. The Treatment Courts Coordinating Commission shall submit an annual report to both the Chairperson of the House Budget Committee and the Chairperson of the Senate Appropriations Committee that includes information concerning the contracts entered into and the impact of the medication assisted treatment programs on rate of recidivism	
Expense and Equipment.....	<u>1,000,000</u>
From Treatment Court Resources Fund (0733) (Not to exceed 6.00 F.T.E.)	\$11,953,607

SECTION 12.400. – To the Office of the State Public Defender

For funding the State Public Defender System	
Personal Service and/or Expense and Equipment	\$56,351,788
For payment of expenses as provided by Chapter 600, RSMo, associated with the defense of violent crimes and/or the contracting of criminal representation with entities outside of the Missouri Public Defender System.....	<u>4,736,344</u>
From General Revenue Fund (0101)	61,088,132

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From Public Defender Reinvestment Fund (0641).....	1,278,973
For expenses authorized by the Public Defender Commission as provided by	
Section 600.090, RSMo	
Personal Service.....	164,865
Expense and Equipment.....	3,385,278
From Legal Defense and Defender Fund (0670)	3,550,143
For refunds set-off against debts as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	2,450,000
For all grants and contributions of funds from the federal government or from	
any other source which may be deposited in the State Treasury for the use	
of the Office of the State Public Defender	
From Office of State Public Defender - Federal Fund (0112)	1,125,000
Total (Not to exceed 696.13 F.T.E.)	\$69,492,248

SECTION 12.500. – To the Senate

Salaries of Members	\$1,272,408
Annual salary adjustment in accordance with Section 105.005, RSMo.....	68,582
Mileage of Members	132,612
Members' Per Diem.....	314,151
Senate Contingent Expenses	13,515,261
Joint Contingent Expenses.....	225,358
From General Revenue Fund (0101)	15,528,372
Senate Contingent Expenses	
From Senate Revolving Fund (0535).....	40,000
Total (Not to exceed 221.54 F.T.E.)	\$15,568,372

SECTION 12.505. – To the House of Representatives

Salaries of Members	\$6,080,706
Annual salary adjustment in accordance with Section 105.005, RSMo.....	326,980
Mileage of Members	652,569
Members' Per Diem.....	1,640,962
Representatives' Expense Vouchers	1,732,026
House Contingent Expenses	17,271,101
From General Revenue Fund (0101)	27,704,344
House Contingent Expenses	
From House of Representatives Revolving Fund (0520).....	45,000
Total (Not to exceed 436.38 F.T.E.)	\$27,749,344

SECTION 12.510. – To the House of Representatives

For payment of organizational dues	
From General Revenue Fund (0101)	\$294,631

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.515. – To the Committee on Legislative Research

For payment of expenses of members, salaries and expenses of employees, and
other necessary operating expenses

For the Legislative Research Administration	\$577,020
For the Oversight Division	1,584,730
From General Revenue Fund (0101) (Not to exceed 26.00 F.T.E.)	\$2,161,750

SECTION 12.520. – To the Committee on Legislative Research

For paper, printing, binding, editing, proofreading, and other necessary expenses
of publishing the Supplement to the Revised Statutes of the State of Missouri

From Statutory Revision Fund (0546) (Not to exceed 1.25 F.T.E.)	\$305,808
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SECTION 12.525. – To the Joint Committees of the General Assembly

For the Joint Committee on Administrative Rules.....	\$176,677
For the Joint Committee on Public Employee Retirement.....	203,609
For the Joint Committee on Education	91,134
From General Revenue Fund (0101) (Not to exceed 6.00 F.T.E.)	\$471,420

PART 2

SECTION 12.600. – To the Governor, Lieutenant Governor, Secretary of State,
State Auditor, State Treasurer, Attorney General, Missouri Office of
Prosecution Services, Supreme Court, Commission on Retirement,
Removal, and Discipline of Judges, Office of the State Public Defender,
Senate, House of Representatives, Committee on Legislative Research, and
Joint Committees of the General Assembly

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of
administrative costs greater than five percent (5%) of said federal grant
amount or in accordance with grant guidelines.

Elected Officials Totals

General Revenue Fund.....	\$132,176,993
Federal Funds.....	40,308,613
Other Funds.....	92,870,865
Total.....	\$265,356,471

Judiciary Totals

General Revenue Fund.....	\$255,396,935
Federal Funds.....	16,135,773
Other Funds.....	18,792,967
Total.....	\$290,325,675

Public Defender Totals

General Revenue Fund.....	\$61,088,132
Federal Funds.....	1,125,000
Other Funds.....	4,829,116
Total.....	\$67,042,248

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

General Assembly Totals

General Revenue Fund.....	\$46,160,517
Other Funds.....	390,808
Total.....	\$46,551,325

Approved June 30, 2023

CCS SCS HCS HB 13**Appropriates money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government**

AN ACT to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

SECTION 13.000. – An appropriation may be comprised in whole or in part of a one-time amount, and such one-time amount shall be construed to be a component part of, and not in addition to, the stated appropriation amount. Any amount of an appropriated identified as “one-time” in this act shall not be considered an addition to any ongoing core appropriation(s) in future fiscal periods beyond June 30, 2024. Any amount identified as one-time may, however, be requested in any future fiscal period as a new decision item.

SECTION 13.005. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the payment of real property leases, utilities, systems furniture, and structural modifications, provided five percent (5%) flexibility is allowed between Section 13.005, 13.010, and 13.015, further provided twenty- five percent (25%) flexibility is allowed between Section 13.005 to Section 13.010, further provided five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) between federal funds within this section, and further provided three percent (3%) flexibility is allowed from this section to Section 13.025

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Department of Elementary and Secondary Education

Expense and Equipment

From General Revenue Fund (0101) (including \$457,500 one-time).....	\$1,065,149
From Vocational Rehabilitation Fund (0104) (including \$85,988 one-time).....	2,322,327
From DESE - Federal Fund (0105).....	19,811
From Child Care and Development Block Grant - Federal Fund (0168)	92,943
From Assistive Technology Federal Fund (0188)	49,382
From Deaf Relay Service and Equipment Distribution Fund (0559).....	34,806
From Assistive Technology Loan Revolving Fund (0889)	14,916

For the Department of Higher Education and Workforce Development

Expense and Equipment

From Job Development and Training Fund (0155).....	1,664,717
From Special Employment Security Fund (0949)	254,216

For the Department of Revenue

Expense and Equipment

From General Revenue Fund (0101)	604,300
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For the Department of Revenue

For the State Lottery Commission

Expense and Equipment

From Lottery Enterprise Fund (0657).....	556,731
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For the Office of Administration

Expense and Equipment

From General Revenue Fund (0101) (including \$183,698 one-time).....	1,497,403
From State Facility Maintenance and Operation Fund (0501).....	166,505
From OA Revolving Administrative Trust Fund (0505)	483,830

For the Ethics Commission

Expense and Equipment

From General Revenue Fund (0101)	149,655
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For the Department of Agriculture

Expense and Equipment

From General Revenue Fund (0101)	293,457
From Department of Agriculture - Federal Fund (0133).....	4,292
From Grain Inspection Fee Fund (0647).....	87,069
From Petroleum Inspection Fund (0662).....	9,960
From Agriculture Protection Fund (0970).....	2,418

For the Department of Natural Resources

Expense and Equipment

From General Revenue Fund (0101)	601,348
From DNR- Federal Fund (0140)	422,016
From Missouri Air Emission Reduction Fund (0267).....	30,633
From State Park Earnings Fund (0415)	106,776

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Historic Preservation Revolving Fund (0430)	37,177
From DNR Cost Allocation Fund (0500).....	110,845
From Natural Resources Protection Fund (0555)	10,916
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	122,732
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....	36,038
From Solid Waste Management Fund (0570).....	181,831
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).....	26,276
From Petroleum Storage Tank Insurance Fund (0585).....	49,172
From Underground Storage Tank Regulation Program Fund (0586)	15,090
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	349,560
From Parks Sales Tax Fund (0613).....	162,462
From Hazardous Waste Fund (0676).....	174,555
From Safe Drinking Water Fund (0679)	130,551
For the Department of Economic Development Expense and Equipment	
From General Revenue Fund (0101)	2,591
From Division of Tourism Supplemental Revenue Fund (0274)	6,235
For the Department of Commerce and Insurance Expense and Equipment	
From General Revenue Fund (0101) (including \$244,000 one-time).....	338,979
From Division of Finance Fund (0550) (including \$45,860 one-time).....	123,790
From Insurance Examiners Fund (0552)	8,044
From Insurance Dedicated Fund (0566).....	11,204
From Manufactured Housing Fund (0582)	27,381
From Public Service Commission Fund (0607).....	1,101,950
From Professional Registration Fees Fund (0689)	9,554
For the Department of Labor and Industrial Relations Expense and Equipment	
From General Revenue Fund (0101)	8,060
From DOLIR - Commission on Human Rights - Federal Fund (0117).....	13,679
From DOLIR Administrative Fund (0122)	5,274
From Unemployment Compensation Administration Fund (0948)	98,392
From Workers' Compensation Fund (0652)	484,548
For the Department of Public Safety Expense and Equipment	
From General Revenue (0101).....	29,443
From State Emergency Management - Federal Fund (0145).....	9,876
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	228,000
From Veterans' Commission Capital Improvement Trust Fund (0304)	248,920
From Division of Alcohol and Tobacco Control Fund (0544)	140,614

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From General Revenue Fund (0101)	248,517
From Department of Public Safety - Federal Fund (0152)	10,543
From State Highways and Transportation Department Fund (0644)	1,391,132
For the Department of Public Safety	
For the Missouri Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund (0286)	530,615
For the Department of the National Guard	
Expense and Equipment	
From General Revenue Fund (0101)	60,336
From Adjutant General - Federal Fund (0190)	1,440,304
From Federal Drug Seizure - Federal Fund (0194)	28,652
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund (0101)	7,686,018
From Working Capital Revolving Fund (0510)	327,331
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101) (including \$2,209,350 one-time)	4,961,423
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101)	2,717,889
From Department of Health and Senior Services - Federal Fund (0143)	2,816,187
From Department of Health and Senior Services Federal Stimulus	
Fund (2350)	1,612,324
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101) (including \$2,528,491 one-time)	14,253,574
From Department of Social Services - Federal Fund (0610)	
(including \$152,714 one-time)	6,809,279
For the General Assembly	
Expense and Equipment	
From General Revenue Fund (0101)	12,586
For the Lieutenant Governor	
Expense and Equipment	
From General Revenue Fund (0101)	57,095
From Missouri Arts Council Trust Fund (0262)	75,995

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Attorney General	
Expense and Equipment	
From General Revenue Fund (0101)	592,664
From Attorney General - Federal Fund (0136)	169,093
From Merchandising Practices Revolving Fund (0631)	143,931
From Workers' Compensation Fund (0652)	106,631
From Workers' Compensation - Second Injury Fund (0653)	106,631
From Hazardous Waste Fund (0676).....	9,580
From Missouri Office of Prosecution Services Fund (0680)	44,674
For the Secretary of State	
Expense and Equipment	
From General Revenue Fund (0101)	803,474
From Local Records Preservation Fund (0577).....	54,386
For the State Auditor	
Expense and Equipment	
From General Revenue Fund (0101)	16,243
For the Judiciary	
Expense and Equipment	
From General Revenue Fund (0101)	2,662,115
From Judiciary- Federal Fund (0137).....	27,126
From Judiciary Education and Training Fund (0847)	173,069
Total.....	\$64,787,816

SECTION 13.010. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For operation of state-owned facilities, utilities, systems furniture, and structural modifications, provided five percent (5%) flexibility is allowed between Section 13.005, 13.010, and 13.015, further provided five percent (5%) flexibility is allowed between and within departments and one hundred percent (100%) flexibility between federal funds within this section, and further provided three percent (3%) flexibility is allowed from this section to Section 13.025

For the Department of Elementary and Secondary Education

 Expense and Equipment

From General Revenue Fund (0101)	\$607,303
From Vocational Rehabilitation Fund (0104)	1,331,587
From DESE - Federal Fund (0105).....	493,201
From Child Care and Development Block Grant - Federal Fund (0168)	235,355

For the Department of Higher Education and Workforce Development

 Expense and Equipment

From General Revenue Fund (0101)	351,180
From Job Development and Training Fund (0155)	649,685

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Matter in bold-face type is proposed language.

For the Department of Revenue	
Expense and Equipment	
From General Revenue Fund (0101)	2,686,689
For the Office of Administration	
Expense and Equipment	
From General Revenue Fund (0101)	7,021,755
From State Facility Maintenance and Operation Fund (0501)	832,802
From Children's Trust Fund (0694)	35,423
For the Department of Agriculture	
Expense and Equipment	
From General Revenue Fund (0101)	154,949
From Department of Agriculture - Federal Fund (0133)	36,825
From Animal Health Laboratory Fee Fund (0292)	50,903
From Animal Care Reserve Fund (0295)	7,518
From Commodity Council Merchandising Fund (0406)	4,128
From Single - Purpose Animal Facilities Loan Program Fund (0408)	4,901
From Industrial Hemp Fund (0476)	4,651
From State Milk Inspection Fees Fund (0645)	5,399
From Grain Inspection Fees Fund (0647)	5,643
From Petroleum Inspection Fund (0662)	159,992
From Missouri Wine and Grape Fund (0787)	13,326
From Agriculture Development Fund (0904)	2,436
From Agriculture Protection Fund (0970)	375,197
For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund (0101)	754,558
From DNR - Federal Fund (0140)	375,317
From Missouri Air Emission Reduction Fund (0267)	61,281
From DNR Cost Allocation Fund (0500)	102,138
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568)	160,682
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	11,315
From Solid Waste Management Fund (0570)	25,535
From Metallic Minerals Waste Management Fund (0575)	5,350
From Natural Resources Protection Fund - Air Pollution Asbestos Fee	
Subaccount (0584)	4,519
From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594)	108,888
From Soil and Water Sales Tax Fund (0614)	44,828
From Energy Set-Aside Program Fund (0667)	40,631
From Hazardous Waste Fund (0676)	39,111
From Safe Drinking Water Fund (0679)	179,492
From Mined Land Reclamation Fund (0906)	14,231
From Energy Futures Fund (0935)	970

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Department of Economic Development

Expense and Equipment

From General Revenue Fund (0101)	323,987
From Division of Tourism Supplemental Revenue Fund (0274)	120,856
From Department of Economic Development Administrative Fund (0547)	38,430

For the Department of Commerce and Insurance

Expense and Equipment

From Division of Credit Unions Fund (0548)	41,602
From Division of Finance Fund (0550)	262,958
From Insurance Examiners Fund (0552)	141,977
From Insurance Dedicated Fund (0566)	493,538
From Public Service Commission Fund (0607)	148,280
From Professional Registration Fees Fund (0689)	357,917

For the Department of Labor and Industrial Relations

Expense and Equipment

From General Revenue Fund (0101)	148,594
From DOLIR - Commission on Human Rights - Federal Fund (0117)	90,312
From DOLIR Administrative Fund (0122)	621,778
From Division of Labor Standards - Federal Fund (0186)	8,994
From Unemployment Compensation Administration Fund (0948)	1,163,852
From Workers' Compensation Fund (0652)	692,123
From Special Employment Security Fund (0949)	94,373

For the Department of Public Safety

Expense and Equipment

From General Revenue Fund (0101)	387,073
From Veterans' Commission Capital Improvement Trust Fund (0304)	211,099
From Division of Alcohol and Tobacco Control Fund (0544)	162,490

For the Department of Public Safety

For the State Highway Patrol

Expense and Equipment

From State Highways and Transportation Department Fund (0644)	337,212
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For the Department of Public Safety

For the Missouri Gaming Commission

Expense and Equipment

From Gaming Commission Fund (0286)	101,144
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For the Department of Corrections

Expense and Equipment

From General Revenue Fund (0101)	1,574,479
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For the Department of Mental Health

Expense and Equipment

From General Revenue Fund (0101)	1,176,442
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Department of Mental Health - Federal Fund (0148).....	302,214
From Health Initiatives Fund (0275).....	9,663
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101)	1,414,898
From Department of Health and Senior Services - Federal Fund (0143)	1,447,317
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101)	7,625,036
From Temporary Assistance for Needy Families Fund (0199)	159,367
From Department of Social Services - Federal Fund (0610)	1,077,858
From Health Initiatives Fund (0275).....	23,545
From Department of Social Services Educational Improvement Fund (0620).....	8,301
For the Governor	
Expense and Equipment	
From General Revenue Fund (0101)	767,847
For the Lieutenant Governor	
Expense and Equipment	
From General Revenue Fund (0101)	78,575
For the General Assembly	
Expense and Equipment	
From General Revenue Fund (0101)	2,718,082
For the Secretary of State	
Expense and Equipment	
From General Revenue Fund (0101)	1,563,048
From Secretary of State's Technology Trust Fund Account (0266).....	18,540
From Local Records Preservation Fund (0577).....	10,050
From Investor Education and Protection Fund (0829)	38,001
For the State Auditor	
Expense and Equipment	
From General Revenue Fund (0101)	348,461
For the Attorney General	
Expense and Equipment	
From General Revenue Fund (0101)	707,893
From Attorney General - Federal Fund (0136)	202,578
From Natural Resources Protection Water Pollution Permit Fee	
Subaccount Fund (0568)	115,585
From Workers' Compensation Fund (0652)	49,531
From Workers' Compensation Second Injury Fund (0653).....	49,779
From Hazardous Waste Fund (0676).....	13,758

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the State Treasurer	
Expense and Equipment	
From State Treasurer's General Operations Fund (0164).....	267,249
For the Judiciary	
Expense and Equipment	
From General Revenue Fund (0101)	384,139
Total.....	\$45,100,519

SECTION 13.015. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the operation of institutional facilities, utilities, systems furniture, and structural modifications, provided five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, and further provided one hundred percent (100%) flexibility is allowed between federal funds within this section, and further provided three percent (3%) flexibility is allowed from this section to Section 13.025

For the Department of Elementary and Secondary Education	
Expense and Equipment	
From General Revenue Fund (0101)	\$5,173,404

For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101)	25,931,459

For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101)	10,032
From Department of Health and Senior Services - Federal Fund (0143)	11,576

For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101)	4,204,912
From Department of Social Services - Federal Fund (0610)	987,449

For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From General Revenue Fund (0101)	587,217
From State Highways and Transportation Department Fund (0644)	1,850,008
Total.....	\$38,756,057

SECTION 13.020. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the collection and payment of costs associated with state-owned, institutional, and state leased space occupied by non-state agencies

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment
 From Office of Administration Revolving Administrative Trust Fund (0505)\$1,528,026

SECTION 13.025. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

Funds are to be transferred out of the State Treasury, for the payment of
 claims, premiums, and expenses as provided by Section 105.711 through
 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)\$1

Bill Totals

General Revenue Fund.....	\$105,364,332
Federal Funds.....	26,412,430
Other Funds.....	<u>14,584,373</u>
Total.....	\$146,361,135

Approved June 30, 2023

HCS HB 14

**Appropriates money for supplemental purposes for the expenses, grants, refunds,
 and distributions of the several departments and offices of state government**

AN ACT to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2023.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period ending June 30, 2023, as follows:

SECTION 14.005. – To the Department of Elementary and Secondary Education

For the purpose of funding a state employee pay plan, provided such funding
 shall be used for an eight and seven-tenths percent (8.7%) cost of living
 adjustment

Personal Service

From General Revenue Fund (0101)	\$1,417,300
From Federal and Other Funds.....	<u>1,952,057</u>
Total.....	\$3,369,357

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 14.006. – To the Department of Elementary and Secondary Education
For the purpose of funding an increase in the mileage reimbursement rate from
\$0.55 per mile to \$0.655 per mile

Expense and Equipment	
From General Revenue Fund (0101)	\$14,049
From Federal and Other Funds.....	<u>41,588</u>
Total.....	\$55,637

SECTION 14.010. – To the Department of Elementary and Secondary Education
For grants to establish school safety programs, including physical security
upgrades and associated technology (e.g., door locks, monitoring systems),
bleeding control kits, and automatic external defibrillators

From General Revenue Fund (0101)	\$20,000,000
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SECTION 14.015. – To the Department of Higher Education and Workforce
Development

For the purpose of funding a state employee pay plan, provided such funding
shall be used for an eight and seven-tenths percent (8.7%) cost of living
adjustment

Personal Service	
From General Revenue Fund (0101)	\$117,655
From Federal and Other Funds.....	<u>695,892</u>
Total.....	\$813,547

SECTION 14.016. – To the Department of Higher Education and Workforce
Development

For the purpose of funding an increase in the mileage reimbursement rate from
\$0.55 per mile to \$0.655 per mile

Expense and Equipment	
From General Revenue Fund (0101)	\$466
From Federal and Other Funds.....	<u>12,276</u>
Total.....	\$12,742

SECTION 14.020. – To the Department of Revenue

For the purpose of funding a state employee pay plan, provided such funding
shall be used for an eight and seven-tenths percent (8.7%) cost of living
adjustment

Personal Service.....	\$1,362,026
Annual salary adjustment in accordance with Section 105.005, RSMo.....	<u>4,551</u>
From General Revenue Fund (0101)	1,366,577

Personal Service.....	741,380
Annual salary adjustment in accordance with Section 105.005, RSMo.....	<u>1,599</u>
From Federal and Other Funds.....	<u>742,979</u>
Total.....	\$2,109,556

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 14.021. – To the Department of Revenue

For the purpose of funding an increase in the mileage reimbursement rate from

\$0.55 per mile to \$0.655 per mile

Expense and Equipment

From General Revenue Fund (0101) \$2,566

From Other Funds 747

Total..... \$3,313

SECTION 14.025. – To the Department of Transportation

For the purpose of funding a state employee pay plan, provided such funding

shall be used for an eight and seven-tenths percent (8.7%) cost of living

adjustment

Personal Service

From Federal and Other Funds.....\$10,398,876

SECTION 14.026. – To the Department of Transportation

For the purpose of funding an increase in the mileage reimbursement rate from

\$0.55 per mile to \$0.655 per mile

Expense and Equipment

From Federal and Other Funds..... \$5,388

SECTION 14.030. – To the Department of Transportation

For payment of the state's contribution to the Missouri Department of

Transportation and Highway Patrol Employees' Retirement System,

provided that fifty percent (50%) flexibility is allowed between Section

14.030 and Section 14.035

From Federal and Other Funds.....\$6,031,349

SECTION 14.035. – To the Department of Transportation

For payment of the state's contribution for medical insurance, life insurance and

Employee Assistance Program benefits for active Missouri Department of

Transportation employees, provided that fifty percent (50%) flexibility is

allowed between Section 14.030 and Section 14.035

Personal Service

From Federal and Other Funds..... \$93,590

SECTION 14.040. – To the Office of Administration

For the purpose of funding a state employee pay plan, provided such funding

shall be used for an eight and seven-tenths percent (8.7%) cost of living

adjustment and increases for shift differentials to state employees working

in 24/7 congregate care facilities

Personal Service..... \$2,053,835

Annual salary adjustment in accordance with Section 105.005, RSMo..... 6,562

From General Revenue Fund (0101) 2,060,397

Personal Service

From Federal and Other Funds..... 2,441,424

Total..... \$4,501,821

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 14.041. – To the Office of Administration

For the purpose of funding an increase in the mileage reimbursement rate from

\$0.55 per mile to \$0.655 per mile

Expense and Equipment

From General Revenue Fund (0101)	\$2,825
From Federal and Other Funds.....	<u>2,940</u>
Total.....	\$5,765

SECTION 14.045. – To the Office of Administration

For transferring funds for state employees and participating political

subdivisions to the OASDHI Contributions Fund

From General Revenue Fund (0101)	\$4,111,023
From Federal and Other Funds.....	<u>3,554,690</u>
Total.....	\$7,665,713

SECTION 14.050. – To the Office of Administration

For payment of OASDHI taxes for all state employees and for participating political subdivisions within the state to the Treasurer of the United States for compliance with current provisions of Title 2 of the Federal Social Security Act, as amended in accordance with the agreement between the State Social Security Administrator and the Secretary of the Department of Health and Human Services, and for administration of the agreement under Section 218 of the Social Security Act which extends Social Security benefits to state and local public employees

From OASDHI Contributions Fund (0702)	\$7,688,000
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SECTION 14.055. – To the Office of Administration

For transferring funds for the state's contribution to the Missouri State Employees' Retirement System to the State Retirement Contributions Fund

From General Revenue Fund (0101)	\$15,109,199
From Federal and Other Funds.....	<u>8,941,903</u>
Total.....	\$24,051,102

SECTION 14.060. – To the Office of Administration

For payment of the state's contribution to the Missouri State Employees' Retirement System, including debt service and related expenses related to pension obligation bonding and/or a finance agreement between the Missouri State Employees' Retirement System and the State of Missouri, provided that no debt or finance agreement repayment shall extend beyond Fiscal Year 2023

From State Retirement Contributions Fund (0701)	\$24,130,000
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SECTION 14.065. – To the Department of Agriculture

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment

Personal Service

From General Revenue Fund (0101)	\$251,991
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	613,466
Annual salary adjustment in accordance with Section 105.005, RSMo.....	5,255
From Federal and Other Funds.....	618,721
Total.....	\$870,712

SECTION 14.066. – To the Department of Agriculture

For the purpose of funding an increase in the mileage reimbursement rate from
\$0.55 per mile to \$0.655 per mile

Expense and Equipment	
From General Revenue Fund (0101)	\$107
From Federal and Other Funds.....	2,619
Total.....	\$2,726

SECTION 14.067. – To the Department of Agriculture

For the Division of Animal Health

For black vulture mitigation

Expense and Equipment	
From General Revenue Fund (0101)	\$628,750

SECTION 14.070. – To the Department of Natural Resources

For the purpose of funding a state employee pay plan, provided such funding
shall be used for an eight and seven-tenths percent (8.7%) cost of living
adjustment

Personal Service.....	\$2,616,539
Annual salary adjustment in accordance with Section 105.005, RSMo.....	536
From General Revenue Fund (0101)	2,617,075

Personal Service.....	478,583
Annual salary adjustment in accordance with Section 105.005, RSMo.....	4,827
From Federal and Other Funds.....	483,410
Total.....	\$3,100,485

SECTION 14.071. – To the Department of Natural Resources

For the purpose of funding an increase in the mileage reimbursement rate from
\$0.55 per mile to \$0.655 per mile

Expense and Equipment	
From General Revenue Fund (0101)	\$375
From Other Funds	8,498
Total.....	\$8,873

SECTION 14.075. – To the Department of Natural Resources

For the Wood Energy Tax Credit Program

For the redemption of authorized tax credits applied for between January 1, 2021
and June 30, 2021, under Sections 135.300 through 135.311, RSMo

From General Revenue Fund (0101)	\$3,000,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 14.080. – To the Department of Conservation

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment

Personal Service

From Conservation Commission Fund (0609)\$3,247,960

SECTION 14.081. – To the Department of Conservation

For the purpose of funding an increase in the mileage reimbursement rate from \$0.55 per mile to \$0.655 per mile

Expense and Equipment

From Conservation Commission Fund (0609) \$6,080

SECTION 14.085. – To the Department of Economic Development

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment

Personal Service.....\$223,381

Annual salary adjustment in accordance with Section 105.005, RSMo..... 3,686

From General Revenue Fund (0101) 227,067

Personal Service..... 171,005

Annual salary adjustment in accordance with Section 105.005, RSMo..... 2,458

From Federal and Other Funds..... 173,463

Funds are to be transferred out of the State Treasury, such amounts generated by development projects, as required by Section 99.963, RSMo, to the State Supplemental Downtown Development Fund

From General Revenue Fund (0101) 2,417

Funds are to be transferred out of the State Treasury to the Division of Tourism Supplemental Revenue Fund

From General Revenue Fund (0101) 83,319

Total.....\$486,266

SECTION 14.086. – To the Department of Economic Development

For the purpose of funding an increase in the mileage reimbursement rate from \$0.55 per mile to \$0.655 per mile

Expense and Equipment

From General Revenue Fund (0101) \$1,255

From Federal Funds 670

Total.....\$1,925

SECTION 14.090. – To the Department of Commerce and Insurance

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment

Personal Service

From General Revenue Fund (0101)\$37,012

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	1,746,225
Annual salary adjustment in accordance with Section 105.005, RSMo.....	<u>22,067</u>
From Other Funds	<u>1,768,292</u>
Total.....	\$1,805,304

SECTION 14.091. – To the Department of Commerce and Insurance

For the purpose of funding an increase in the mileage reimbursement rate from
\$0.55 per mile to \$0.655 per mile

Expense and Equipment	
From General Revenue Fund (0101)	\$131
From Other Funds	<u>28,502</u>
Total.....	\$28,633

SECTION 14.095. – To the Department of Labor and Industrial Relations

For the purpose of funding a state employee pay plan, provided such funding
shall be used for an eight and seven-tenths percent (8.7%) cost of living
adjustment

Personal Service	
From General Revenue Fund (0101)	\$45,925

Personal Service.....	2,511,209
Annual salary adjustment in accordance with Section 105.005, RSMo.....	<u>5,419</u>
From Federal and Other Funds.....	2,516,628

Funds are to be transferred out of the State Treasury, for payment of administrative costs, to the Department of Labor and Industrial Relations Administrative Fund	
From General Revenue Fund (0101)	8,613

Funds are to be transferred out of the State Treasury, for payment of administrative costs charged by the Office of Administration, to the Department of Labor and Industrial Relations Administrative Fund	
From General Revenue Fund (0101)	<u>11,309</u>
Total.....	\$2,582,475

SECTION 14.096. – To the Department of Labor and Industrial Relations

For the purpose of funding an increase in the mileage reimbursement rate from
\$0.55 per mile to \$0.655 per mile

Expense and Equipment	
From General Revenue Fund (0101)	\$135
From Federal and Other Funds.....	<u>7,605</u>
Total.....	\$7,740

SECTION 14.100. – To the Department of Public Safety

For the purpose of funding a state employee pay plan, provided such funding
shall be used for an eight and seven-tenths percent (8.7%) cost of living
adjustment and increases for shift differentials to state employees working
in 24/7 congregate care facilities

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$1,245,821
Annual Salary adjustment in accordance with Section 105.005, RSMo	<u>5,595</u>
From General Revenue Fund (0101)	1,251,416
Personal Service	
From Federal and Other Funds.....	10,051,286
Funds are to be transferred out of the State Treasury to the 988 Public Safety Fund	
From General Revenue Fund (0101)	2,259
Funds are to be transferred out of the State Treasury to the Economic Distress Zone Fund	
From General Revenue Fund (0101)	2,259
Funds are to be transferred out of the State Treasury to the Missouri Veterans' Homes Fund	
From General Revenue Fund (0101)	<u>3,854,225</u>
Total.....	\$15,161,445

SECTION 14.101. – To the Department of Public Safety

For the purpose of funding an increase in the mileage reimbursement rate from

\$0.55 per mile to \$0.655 per mile

Expense and Equipment

From General Revenue Fund (0101)	\$779
From Federal and Other Funds.....	<u>24,548</u>
Total.....	\$25,327

SECTION 14.105. – To the Department of Public Safety

For the Office of the Director

For the Crime Victims' Compensation Program

From General Revenue Fund (0101)	\$800,000
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SECTION 14.110. – To the Department of Public Safety

For fringe benefits, including retirement contributions for members of the

Missouri Department of Transportation and Highway Patrol Employees'

Retirement System and insurance premiums

From General Revenue Fund (0101)	\$515,654
From Federal and Other Funds.....	3,380,784

For fringe benefits, including retirement contributions for members of the

Missouri Department of Transportation and Highway Patrol Employees'

Retirement System and insurance premiums for State Highway Patrol employees assigned to work under the direction of the Gaming Commission

From Gaming Commission Fund (0286)	<u>279,023</u>
Total.....	\$4,175,461

SECTION 14.115. – To the Department of Public Safety

For the State Emergency Management Agency

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for the use of the State Emergency Management Agency for alleviating distress from disasters	
From Missouri Disaster Fund (0663).....	\$275,000,000
For matching funds for federal grants and for emergency assistance expenses of the State Emergency Management Agency as provided in Section 44.032, RSMo	
From General Revenue Fund (0101)	11,500,000
Total.....	\$286,500,000

SECTION 14.120. – To the Department of Corrections

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment and increases for shift differentials to state employees working in 24/7 congregate care facilities	
Personal Service.....	\$18,144,454
Annual salary adjustment in accordance with Section 105.005, RSMo.....	6,242
From General Revenue Fund (0101)	18,150,696
Personal Service	
From Federal and Other Funds.....	468,400
Total.....	\$18,619,096

SECTION 14.121. – To the Department of Corrections

For the purpose of funding an increase in the mileage reimbursement rate from \$0.55 per mile to \$0.655 per mile	
Expense and Equipment	
From General Revenue Fund (0101)	\$44,048
From Federal and Other Funds.....	147
Total.....	\$44,195

SECTION 14.125. – To the Department of Mental Health

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment and increases for shift differentials to state employees working in 24/7 congregate care facilities	
Personal Service	
From General Revenue Fund (0101)	\$14,944,067
From Federal and Other Funds.....	118,781
Total.....	\$15,062,848

SECTION 14.126. – To the Department of Mental Health

For the purpose of funding an increase in the mileage reimbursement rate from \$0.55 per mile to \$0.655 per mile	
Expense and Equipment	
From General Revenue Fund (0101)	\$13,695

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Federal and Other Funds.....	<u>21,823</u>
Total.....	<u>\$35,518</u>

SECTION 14.130. – To the Department of Health and Senior Services

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment

Personal Service

From General Revenue Fund (0101)	<u>\$2,245,599</u>
From Federal and Other Funds.....	<u>1,893,565</u>
Total.....	<u>\$4,139,164</u>

SECTION 14.131. – To the Department of Health and Senior Services

For the purpose of funding an increase in the mileage reimbursement rate from \$0.55 per mile to \$0.655 per mile

Expense and Equipment

From General Revenue Fund (0101)	<u>\$37,561</u>
From Federal and Other Funds.....	<u>80,354</u>
Total.....	<u>\$117,915</u>

SECTION 14.135. – To the Department of Social Services

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment and increases for shift differentials to state employees working in 24/7 congregate care facilities

Personal Service.....\$4,673,648

Annual salary adjustment in accordance with Section 105.005, RSMo.....5,567

From General Revenue Fund (0101)

Personal Service.....6,707,147

Annual salary adjustment in accordance with Section 105.005, RSMo.....759

From Federal and Other Funds.....6,707,906

Total.....\$11,387,121

SECTION 14.136. – To the Department of Social Services

For the purpose of funding an increase in the mileage reimbursement rate from \$0.55 per mile to \$0.655 per mile

Expense and Equipment

From General Revenue Fund (0101)

From Federal and Other Funds.....168,475

Total.....\$233,477

SECTION 14.140. – To the Governor

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service	
From General Revenue Fund (0101)	\$83,651
From Federal and Other Funds	8,165
Total	\$91,816

SECTION 14.141. – To the Governor

For the purpose of funding an increase in the mileage reimbursement rate from
\$0.55 per mile to \$0.655 per mile

Expense and Equipment	
From General Revenue Fund (0101)	\$242

SECTION 14.145. – To the Lieutenant Governor

For the purpose of funding a state employee pay plan, provided such funding
shall be used for an eight and seven-tenths percent (8.7%) cost of living
adjustment

Personal Service	
From General Revenue Fund (0101)	\$15,484
From Federal and Other Funds	37,332

Funds are to be transferred out of the State Treasury to the Missouri Arts
Council Trust Fund as authorized by Sections 143.183 and 185.100, RSMo

From General Revenue Fund (0101)	49,950
Total	\$102,766

SECTION 14.146. – To the Lieutenant Governor

For the purpose of funding an increase in the mileage reimbursement rate from
\$0.55 per mile to \$0.655 per mile

Expense and Equipment	
From General Revenue Fund (0101)	\$598
From Federal and Other Funds	284
Total	\$882

SECTION 14.150. – To the Secretary of State

For the purpose of funding a state employee pay plan, provided such funding
shall be used for an eight and seven-tenths percent (8.7%) cost of living
adjustment

Personal Service	
From General Revenue Fund (0101)	\$307,729
From Federal and Other Funds	106,572
Total	\$414,301

SECTION 14.155. – To the State Auditor

For the purpose of funding a state employee pay plan, provided such funding
shall be used for an eight and seven-tenths percent (8.7%) cost of living
adjustment

Personal Service	
From General Revenue Fund (0101)	\$226,753

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Federal and Other Funds.....	72,320
Total.....	\$299,073

SECTION 14.156. – To the State Auditor

For the purpose of funding an increase in the mileage reimbursement rate from
\$0.55 per mile to \$0.655 per mile

Expense and Equipment

From General Revenue Fund (0101)	\$4,386
From Federal and Other Funds.....	1,438
Total.....	\$5,824

SECTION 14.160. – To the State Treasurer

For the purpose of funding a state employee pay plan, provided such funding
shall be used for an eight and seven-tenths percent (8.7%) cost of living
adjustment

Personal Service

From Other Funds	\$113,371
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SECTION 14.165. – To the Attorney General

For the purpose of funding a state employee pay plan, provided such funding
shall be used for an eight and seven-tenths percent (8.7%) cost of living
adjustment

Personal Service

From General Revenue Fund (0101)	\$521,971
From Federal and Other Funds.....	413,708
Total.....	\$935,679

SECTION 14.166. – To the Attorney General

For the purpose of funding an increase in the mileage reimbursement rate from
\$0.55 per mile to \$0.655 per mile

Expense and Equipment

From General Revenue Fund (0101)	\$2,797
From Federal and Other Funds.....	5,057
Total.....	\$7,854

SECTION 14.170. – To the Supreme Court

For the purpose of funding a state employee pay plan, provided such funding
shall be used for an eight and seven-tenths percent (8.7%) cost of living
adjustment and increases for shift differentials to state employees working
in 24/7 congregate care facilities

Personal Service

From General Revenue Fund (0101)	\$4,591,205
From Federal and Other Funds.....	551,638

Funds are to be transferred out of the State Treasury to the Judiciary

Education and Training Fund

From General Revenue Fund (0101)	32,107
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Funds are to be transferred out of the State Treasury to the Treatment Court Resources Fund	
From General Revenue Fund (0101)	16,645
Total	\$5,191,595

SECTION 14.171. – To the Supreme Court

For the purpose of funding an increase in the mileage reimbursement rate from \$0.55 per mile to \$0.655 per mile	
Expense and Equipment	
From General Revenue Fund (0101)	\$41,381
From Federal and Other Funds	13,432
Total	\$54,813

SECTION 14.175. – To the Office of the State Public Defender

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment	
Personal Service	
From General Revenue Fund (0101)	\$1,559,851
From Other Funds	5,498
Total	\$1,565,349

SECTION 14.176. – To the Office of the State Public Defender

For the purpose of funding an increase in the mileage reimbursement rate from \$0.55 per mile to \$0.655 per mile	
Expense and Equipment	
From General Revenue Fund (0101)	\$84,803
From Other Funds	6,563
Total	\$91,366

SECTION 14.180. – To the General Assembly

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment	
Personal Service	
From General Revenue Fund (0101)	\$916,722
From Other Funds	3,619
Total	\$920,341

SECTION 14.181. – To the Senate

For the purpose of funding an increase in the mileage reimbursement rate from \$0.55 per mile to \$0.655 per mile	
Expense and Equipment	
From General Revenue Fund (0101)	\$9,020

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 14.182. – To the House of Representatives

For the purpose of funding an increase in the mileage reimbursement rate from

\$0.55 per mile to \$0.655 per mile

Expense and Equipment

From General Revenue Fund (0101) \$44,039

For House contingent expenses

From General Revenue Fund (0101) \$250,000Total..... \$294,039**SECTION 14.185.** – To the Office of the Administration

For the Division of Facilities Management, Design and Construction

For the purpose of funding a state employee pay plan, provided such funding

shall be used for an eight and seven-tenths percent (8.7%) cost of living

adjustment and increases for shift differentials to state employees working

in 24/7 congregate care facilities

Personal Service

From General Revenue Fund (0101) \$680,611

From Federal and Other Funds..... 84,971Total..... \$765,582**SECTION 14.190.** – To the Office of the Administration

For the Division of Facilities Management, Design and Construction

For the payment of real property leases, utilities, systems furniture, and structural
modifications

For the Department of Mental Health

Expense and Equipment

From General Revenue Fund (0101) \$2,345,706

SECTION 14.195. – To the Office of Administration

For the Department of Economic Development

For a minimum revenue guarantee program to attract international flights to the
state

From Coronavirus State Fiscal Recovery Fund - Revenue Replacement

Fund (2464)..... \$5,000,000

SECTION 14.200. – To the Office of Administration

For the Department of Mental Health

For grants to federally qualified health centers, certified community behavioral

health organizations, and community mental health centers, provided that

any grant awards disbursed from this appropriation shall be matched on a

50/50 basis by the recipient for projects over five million (\$5,000,000) and

a 40/60 local/state match for projects under five million (\$5,000,000)

From Coronavirus State Fiscal Recovery Fund - Health and Economic

Impacts Fund (2463)..... \$148,713,118

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 14.205. – To the Office of Administration

For the Department of Health and Senior Services

For the purpose of asbestos abatement and cleanup at a building formerly used as a school located in any county with more than twelve thousand five hundred but fewer than fourteen thousand inhabitants and with a county seat with more than five thousand but fewer than six thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery Fund - Health and Economic

Impacts Fund (2463)..... \$500,000

SECTION 14.210. – To the Office of Administration

For the Department of Health and Senior Services

For the planning, design, maintenance, or construction of an emergency medical services helipad and ambulance base for a hospital in any county with more than forty thousand but fewer than fifty thousand inhabitants and with a county seat with more than eighteen thousand but fewer than twenty-one thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery Fund - Health and Economic

Impacts Fund (2463)..... \$4,000,000

SECTION 14.215. – To the Office of Administration

For the Department of Economic Development

For the planning, design, maintenance or improvements to an athletic complex located on approximately eleven acres located in any city with more than forty-six thousand but fewer than fifty-one thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery Fund - Revenue Replacement

Fund (2464)..... \$2,000,000

SECTION 14.220. – To the Office of Administration

For the Department of Natural Resources

For the purpose of funding a project identified in 1991 to address creek erosion threatening residential properties and structures by constructing 1620 feet of 13 feet high bio-stabilization on both sides of the creek in any county with more than one million inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery Fund - Water Infrastructure

Fund (2462)..... \$1,500,000

SECTION 14.225. – To the Office of the Administration

For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment

Personal Service

From Coronavirus State Fiscal Recovery Fund - Health and Economic

Impacts Fund (2463)..... \$608,072

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Department of Natural Resources	
For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment	
Personal Service	
From Coronavirus State Fiscal Recovery Fund - Revenue Replacement Fund (2464).....	44,638
For the Department of Economic Development	
For the purpose of funding a state employee pay plan, provided such funding shall be used for an eight and seven-tenths percent (8.7%) cost of living adjustment	
Personal Service	
From Coronavirus State Fiscal Recovery Fund - Health and Economic Impacts Fund (2463).....	226,685
Total.....	\$879,395

Bill Totals

General Revenue Fund.....	\$121,009,664
Federal Funds.....	458,863,446
Other Funds.....	47,126,274
Total.....	\$626,999,384

Approved February 27, 2023

CCS SCS HCS HB 15

Appropriates money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government

AN ACT to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2023.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period ending June 30, 2023, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

PART 1

SECTION 15.000. – Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Social Services in implementing the appropriations found in Part 1 and Part 2 of this act.

SECTION 15.005. – To the Department of Elementary and Secondary Education
For the Division of Financial and Administrative Services
Expense and Equipment

From General Revenue Fund (0101)\$511,491

SECTION 15.010. – To the Department of Elementary and Secondary Education
For distributions to the free public schools of \$74,380,725 under the School
Foundation Program as provided in Chapter 163, RSMo, provided that no
funds are used to support the distribution or sharing of any individually
identifiable student data for non-educational purposes, marketing or
advertising, as follows:

For the Foundation Formula, provided that the State Adequacy Target pursuant
to Section 163.011, RSMo, shall not exceed \$6,375

From General Revenue Fund (0101)\$74,380,725

SECTION 15.015. – To the Department of Elementary and Secondary Education
For the School Nutrition Services Program to reimburse schools for school food
programs

From Elementary and Secondary Education - Federal Fund (0105).....\$217,944,550

SECTION 15.020. – To the Department of Elementary and Secondary Education
For distributions to the public elementary and secondary schools in this state,
pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School
District Trust Fund

From School District Trust Fund (0688)\$28,532,000

SECTION 15.025. – To the Department of Elementary and Secondary Education
For the Division of Learning Services, provided that no funds are used to support
the collection, distribution, or sharing of any individually identifiable student
data with the federal government; with the exception of the reporting
requirements of the Migrant Education Program funds in Section 2.155, the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Vocational Rehabilitation funds in Section 2.220, and the Disability Determination funds in Section 2.225	
Personal Service.....	\$17,202
Expense and Equipment.....	61,607
From Elementary and Secondary Education - Federal Fund (0105)	
(Not to exceed 0.25 F.T.E.).....	\$78,809

SECTION 15.030. – To the Department of Elementary and Secondary Education
For the Performance Based Assessment Program, provided that no funds are
used to support the collection, distribution, or sharing of any individually
identifiable student data with the federal government, with the exception of
the reporting requirements of the Migrant Education Program funds in
Section 2.155, the Vocational Rehabilitation funds in Section 2.220, and the
Disability Determination funds in Section 2.225, and further provided that
no funds from this section shall be used for license fees or membership dues
for the Smarter Balanced Assessment Consortium

From Elementary and Secondary Education - Federal Fund (0105)..... \$619,557

SECTION 15.035. – To the Department of Elementary and Secondary Education
For distributions to providers of vocational education programs

From Elementary and Secondary Education - Federal Fund (0105)..... \$3,000,000

SECTION 15.040. – To the Department of Elementary and Secondary Education
For the Stronger Connections Grant Program

From Elementary and Secondary Education - Federal Fund (0105)..... \$14,332,238

SECTION 15.045. – To the Department of Elementary and Secondary Education
For Student Support and Enrichment grants pursuant to Title IV, Part A of the
Elementary and Secondary Education Act of 1965 as amended by the Every
Student Succeeds Act of 2015

From Elementary and Secondary Education - Federal Fund (0105)..... \$750,000

SECTION 15.050. – To the Department of Elementary and Secondary Education
For the Project Extended Impact Program

From Elementary and Secondary Education - Federal Fund (0105)..... \$3,144,142

SECTION 15.055. – To the Department of Elementary and Secondary Education
For the Office of Childhood

For the purpose of providing home visiting services and health and safety
services and education through local implementing agencies and for the
administration of the Parent Advisory Council

From Department of Elementary and Secondary Education Federal
Stimulus - 2021 Fund (2436)..... \$1,053,074

SECTION 15.060. – To the Department of Elementary and Secondary Education
For the Office of Childhood

For child care stabilization services in response to the COVID-19 pandemic

From Child Care Stabilization Federal Emergency Relief 2021 Fund (2467) \$119,140,749

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 15.065. – To the Department of Higher Education and Workforce Development	
For the Fast Track Workforce Incentive Grant Program, provided that any Fast Track Workforce Incentive Grant toward a scholarship at a private four-year institution is limited to not more than the in-state tuition and fees for the University of Missouri-Columbia, and further provided that any Fast Track Workforce Incentive Grant toward a scholarship at a private two-year institution is limited to not more than the in-state tuition, fees, and charges at a most comparable program at any Missouri two-year public community college or the State Technical College of Missouri	
From Fast Track Workforce Incentive Grant Fund (0488)	\$800,000
SECTION 15.070. – To the Department of Higher Education and Workforce Development	
For the Missouri Guaranteed Student Loan Program Payment of fees for collection of defaulted loans	
From Guaranty Agency Operating Fund (0880)	\$15,000,000
SECTION 15.075. – To the Department of Higher Education and Workforce Development	
Funds are to be transferred out of the State Treasury to the Guaranty Agency Operating Fund	
From Federal Student Loan Reserve Fund (0881)	\$10,000,000
SECTION 15.080. – To the Department of Revenue	
For collecting highway related fees and taxes	
From State Highways and Transportation Department Fund (0644)	\$414,973
SECTION 15.085. – To the Department of Revenue	
For postage	
Expense and Equipment	
From General Revenue Fund (0101)	\$295,612
SECTION 15.090. – To the Department of Revenue	
For distribution to port authorities to expand, develop, and redevelop advanced industrial manufacturing zones including the satisfaction of bonds, managerial, engineering, legal, research, promotion, and planning expenses	
From Port Authority AIM Zone Fund (0583)	\$1,649,065
SECTION 15.095. – To the Department of Revenue	
For distribution to cities and counties of all funds accruing to the Motor Fuel Tax Fund under the provisions of Sections 30(a) and 30(b), Article IV, of the Constitution of Missouri	
From Motor Fuel Tax Fund (0673)	\$18,000,000
SECTION 15.097. – To the Department of Revenue	
For tax delinquencies set off by tax credits	
From General Revenue Fund (0101)	\$150,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 15.100. – To the Department of Revenue

Funds are to be transferred out of the State Treasury to the General Revenue

Fund in the amount of sixty-six hundredths percent of the funds received

From Parks Sales Tax Fund (0613)..... \$16,855

SECTION 15.105. – To the Department of Revenue

Funds are to be transferred out of the State Treasury to the General Revenue

Fund in the amount of sixty-six hundredths percent of the funds received

From Soil and Water Sales Tax Fund (0614)..... \$16,855

SECTION 15.110. – To the Department of Revenue

Funds are to be transferred out of the State Treasury, chargeable to the

General Revenue Fund, to the State Highways and Transportation

Department Fund, for reimbursement of collection expenditures in excess of

the three percent (3%) limit established by Article IV, Sections 29, 30(a),

30(b), and 30(c) of the Constitution of Missouri

From General Revenue Fund (0101) \$589,751

SECTION 15.115. – To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Highways

and Transportation Department Fund

From Motor Fuel Tax Fund (0673)..... \$67,000,000

SECTION 15.120. – To the Department of Revenue

For the State Lottery Commission

For payments to vendors for costs of the design, manufacture, licensing, leasing,

processing and delivery of games administered by the State Lottery

Commission

From Lottery Enterprise Fund (0657)..... \$6,992,701

SECTION 15.125. – To the Department of Revenue

For the State Lottery Commission

For the payment of prizes

From State Lottery Fund (0682)..... \$48,022,576

SECTION 15.130. – To the Department of Revenue

Funds are to be transferred out of the State Treasury to the Lottery Enterprise

Fund

From State Lottery Fund (0682)..... \$6,992,701

SECTION 15.135. – To the Department of Revenue

Funds are to be transferred out of the State Treasury to the Lottery Proceeds

Fund

From State Lottery Fund (0682)..... \$34,994,994

SECTION 15.140. – To the Department of Transportation

For the Highways and Transportation Commission and Highway Program

Administration

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service
From State Road Fund (0320).....\$239,604

SECTION 15.145. – To the Department of Transportation

For payment of the state's contribution to the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, provided fifty percent (50%) flexibility is allowed between Sections 15.145, 15.150, and 15.155

Personal Service
From State Road Fund (0320).....\$138,971

SECTION 15.150. – To the Department of Transportation

For payment of the state's contribution for medical insurance, life insurance and Employee Assistance Program benefits for active Missouri Department of Transportation employees, provided fifty percent (50%) flexibility is allowed between Sections 15.145, 15.150, and 15.155

Personal Service.....\$45,429
Expense and Equipment.....58
From State Road Fund (0320).....\$45,487

SECTION 15.155. – To the Department of Transportation

For the provision of workers' compensation benefits to Missouri Department of Transportation employees, provided fifty percent (50%) flexibility is allowed between Sections 15.145, 15.150, and 15.155

Expense and Equipment
From State Road Fund (0320).....\$408,411

***SECTION 15.156.** – To the Department of Transportation

For Multimodal Operations Administration

Expense and Equipment
From State Transportation Fund (0675)\$25,000

*I hereby veto \$25,000 for the purpose of funding audit costs. Article IV, Section 25 of the Constitution of Missouri states that, "Until it acts on all the appropriations recommended in the budget, neither house of the general assembly shall pass any appropriation other than emergency appropriations recommended by the governor." Emergency appropriations adopted but not included in the governor's recommendations would fail to follow the aforementioned constitutional article, which is why I am vetoing this funding. Also, funding for this purpose has been included in the Fiscal Year 2024 budget for the Missouri Department of Transportation. Accordingly, an emergency supplemental appropriation for this purpose is not necessary.

Said section is vetoed in its entirety from \$25,000 to \$0 from State Transportation Fund.
From \$25,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 15.160. – To the Office of Administration

For the Division of Accounting

For the implementation of a new enterprise resource planning system

Expense and Equipment

From General Revenue Fund (0101)\$4,160,000

SECTION 15.165. – To the Office of AdministrationFor the Division of Facilities Management, Design and Construction Asset
ManagementFor any and all expenditures necessary for funding the operations of the Board
of Public Buildings, state-owned and leased office buildings, institutional
facilities, laboratories, and support facilities

Expense and Equipment

From State Facility Maintenance and Operation Fund (0501).....\$2,220,513

SECTION 15.170. – To the Office of AdministrationFor transferring funds for state employees and participating political
subdivisions to the OASDHI Contributions Fund

From General Revenue Fund (0101)\$11,883,230

SECTION 15.175. – To the Office of AdministrationFor transferring funds for state's contribution to the Missouri State Employees'
Retirement System to the State Retirement Contributions Fund

From General Revenue Fund (0101)\$46,567,001

SECTION 15.180. – To the Office of AdministrationFor transferring funds for state's contribution to the Missouri Consolidated
Health Care Plan to the Missouri Consolidated Health Care Plan Benefit
Fund

From General Revenue Fund (0101)\$49,087,105

SECTION 15.190. – To the Department of Agriculture

For the Division of Animal Health

Expense and Equipment

From General Revenue Fund (0101)\$48,011

SECTION 15.195. – To the Department of Agriculture

For the Division Weights, Measures and Consumer Protection

Expense and Equipment

From General Revenue Fund (0101)\$80,799

From Petroleum Inspection Fund (0662)..... 40,000

Total.....\$120,799

SECTION 15.196. – To the Department of Public Safety

For the Office of the Director

For scholarships for individuals to attend law enforcement academies

Expense and Equipment

From General Revenue Fund (0101)\$175,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 15.200. – To the Department of Public Safety

For the State Highway Patrol

For the Enforcement Program

Expense and Equipment

From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving

Fund (0695) \$59,885

SECTION 15.205. – To the Department of Public Safety

For the State Highway Patrol

For gasoline expenses for State Highway Patrol vehicles, including aircraft and

Gaming Commission vehicles

Expense and Equipment

From General Revenue Fund (0101) \$259,929

From Gaming Commission Fund (0286) 251,062

From State Highways and Transportation Department Fund (0644) 2,148,118

Total \$2,659,109

SECTION 15.210. – To the Department of Public Safety

For the Division of Alcohol and Tobacco Control

Personal Service

From Division of Alcohol and Tobacco Control Fund (0544) \$61,456

SECTION 15.215. – To the Department of Public Safety

For the Division of Fire Safety

Personal Service

From General Revenue Fund (0101) \$57,780

SECTION 15.220. – To the Department of Public Safety

For the State Emergency Management Agency

For Administration and Emergency Operations

Personal Service \$76,999

Expense and Equipment 152,795

From General Revenue Fund (0101) \$229,794

SECTION 15.225. – To the Department of Corrections

For the Division of Human Services

For the operation of institutional facilities, utilities, systems furniture and
structural modifications

Expense and Equipment

From General Revenue Fund (0101) \$2,443,851

SECTION 15.230. – To the Department of Corrections

For the Division of Offender Rehabilitative Services

For contractual services for offender physical and mental health care Expense
and Equipment

From General Revenue Fund (0101) \$2,068,090

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SECTION 15.235. – To the Department of Corrections

For paying an amount in aid to the counties that is the net amount of costs in criminal cases, transportation of convicted criminals to the state penitentiaries, housing, costs for reimbursement of the expenses associated with extradition, less the amount of unpaid city or county liability to furnish public defender office space and utility services pursuant to Section 600.040, RSMo, provided ten percent (10%) flexibility is allowed between reimbursements to county jails and extradition payments

For Reimbursements to County Jails at the rate of \$22.58 per prisoner per day	\$6,046,548
For Extradition Payment	<u>1,113,410</u>
From General Revenue Fund (0101)	\$7,159,958

SECTION 15.240. – To the Department of Mental Health

For the Office of the Director

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101)	\$6,553,676
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SECTION 15.245. – To the Department of Mental Health

Funds are to be transferred out of the State Treasury to the Department of Mental Health Federal Stimulus - 2021 Fund

From Department of Mental Health Federal Stimulus Fund (2345)	\$3,438,000
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SECTION 15.250. – To the Department of Mental Health

For the Division of Behavioral Health

For the administration of comprehensive psychiatric services

Personal Service	\$30,000
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Expense and Equipment	<u>2,500</u>
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From Department of Mental Health - Federal Fund (0148)	\$32,500
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SECTION 15.255. – To the Department of Mental Health

For the Division of Behavioral Health

For adult community programs

Expense and Equipment

From Department of Mental Health - Federal Fund (0148)	\$872,500
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Personal Service	84,660
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Expense and Equipment	<u>2,505,268</u>
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From Department of Mental Health Federal Stimulus - 2021 Fund (2455)	<u>2,589,928</u>
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Total	\$3,462,428
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SECTION 15.260. – To the Department of Mental Health

For the Division of Behavioral Health

For youth community programs

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Expense and Equipment	
From General Revenue Fund (0101)	\$604,703
From Department of Mental Health - Federal Fund (0148).....	139,378
From Department of Mental Health Federal Stimulus - 2021 Fund (2455)	<u>302,158</u>
Total.....	\$1,046,239

SECTION 15.265. – To the Department of Mental Health

For the Division of Behavioral Health

For the purchase and administration of new medication therapies

Expense and Equipment

From Department of Mental Health Federal Stimulus - 2021 Fund (2455) \$107,914

SECTION 15.270. – To the Department of Mental Health

For the Division of Behavioral Health

For the Fulton State Hospital

Expense and Equipment

From General Revenue Fund (0101) \$8,740,577

SECTION 15.275. – To the Department of Mental Health

For the Division of Behavioral Health

For the Northwest Missouri Psychiatric Rehabilitation Center

Expense and Equipment

From General Revenue Fund (0101) \$6,774,979

SECTION 15.280. – To the Department of Mental Health

For the Division of Behavioral Health

For the Forensic Treatment Center

Expense and Equipment

From General Revenue Fund (0101) \$12,499,869

SECTION 15.285. – To the Department of Mental Health

For the Division of Behavioral Health

For the Hawthorn Children's Psychiatric Hospital

Expense and Equipment

From General Revenue Fund (0101) \$548,638

SECTION 15.290. – To the Department of Mental Health

For the Division of Developmental Disabilities

For community programs

From Title XXI-Children's Health Insurance Program Federal Fund (0159)..... \$550,000

SECTION 15.295. – To the Department of Mental Health

For the Division of Developmental Disabilities

For the Sikeston Regional Center

Expense and Equipment

From General Revenue Fund (0101) \$35,825

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SECTION 15.300. – To the Department of Mental Health
 For the Division of Developmental Disabilities
 For the Higginsville Habilitation Center
 Expense and Equipment
 From General Revenue Fund (0101)\$3,786,615

SECTION 15.305. – To the Department of Mental Health
 For the Division of Developmental Disabilities
 For Northwest Community Services
 Expense and Equipment
 From General Revenue Fund (0101)\$377,367

SECTION 15.310. – To the Department of Mental Health
 For the Division of Developmental Disabilities
 For Southeast Missouri Residential Services
 Expense and Equipment
 From General Revenue Fund (0101)\$1,209,670

SECTION 15.315. – To the Department of Health and Senior Services
 For the Division of Administration
 For program operations and support
 Personal Service.....\$70,879
 Expense and Equipment.....387,600
 From Veterans, Health, and Community Reinvestment Fund (0608) (Not to
 exceed 2.31 F.T.E.).....\$458,479

SECTION 15.320. – To the Department of Health and Senior Services
 For the Division of Community and Public Health
 For the Primary Care Resource Initiative Program (PRIMO), Financial Aid to
 Medical Students, and Loan Repayment Programs
 Expense and Equipment
 From Health Access Incentive Fund (0276).....\$72,273

 Personal Service.....33,618
 Expense and Equipment.....644,588
 From Department of Health and Senior Services Federal Stimulus -
 2021 Fund (2457)678,206
 Total.....\$750,479

SECTION 15.325. – To the Department of Health and Senior Services
 For the State Public Health Laboratory
 Personal Service.....\$31,076
 Expense and Equipment.....14,516
 From Veterans, Health, and Community Reinvestment Fund (0608) (Not to
 exceed 0.48 F.T.E.).....\$45,592

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SECTION 15.330. – To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For non-Medicaid reimbursable senior disability programs

Expense and Equipment

From Department of Health and Senior Services Federal Stimulus Fund (2350)..... \$621,800

SECTION 15.335. – To the Department of Health and Senior Services

For the Division of Regulation and Licensure

For program operations and support

Expense and Equipment

From General Revenue Fund (0101) \$258,523

From Department of Health and Senior Services Federal Fund (0143)..... 1,400,000

For expending Civil Monetary Penalty funding on federally approved nursing
facility activities and projects

Expense and Equipment

From Nursing Facility Quality of Care Fund (0271) 3,200,000

Total..... \$4,858,523

SECTION 15.340. – To the Department of Health and Senior Services

For the Division of Cannabis Regulation

For adult use marijuana program operations and support

Personal Service..... \$3,275,257

Expense and Equipment..... 1,884,127

From Veterans, Health, and Community Reinvestment Fund (0608) (Not to
exceed 54.82 F.T.E.)..... \$5,159,384**SECTION 15.345.** – To the Department of Social Services

For the Children's Division

For recruitment and retention services

From General Revenue Fund (0101) \$654,205

From Department of Social Services Federal Fund (0610)..... 307,876

Total..... \$962,081

SECTION 15.350. – To the Department of Social Services

For the Children's Division

For foster care placement special expenses, respite services, and transportation
expenses; expenses related to training of foster parents, provided ten percent
(10%) flexibility is allowed between Sections 15.350 and 15.360, and further
provided ten percent (10%) flexibility is allowed between Sections 15.350
and 15.385

From General Revenue Fund (0101) \$310,880

From Department of Social Services Federal Fund (0610)..... 60,000

Total..... \$370,880

SECTION 15.355. – To the Department of Social Services

For the Children's Division

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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For comprehensive case management contracts through community-based organizations as described in Section 210.112, RSMo; the purpose of these contracts shall be to provide a system of care for children living in foster care, independent living, or residential care settings; services eligible under this provision may include, but are not limited to, case management, foster care, residential treatment, intensive in-home services, family reunification services, and specialized recruitment and training of foster care families

From General Revenue Fund (0101)	\$2,131,039
From Department of Social Services Federal Fund (0610).....	<u>233,270</u>
Total.....	\$2,364,309

SECTION 15.360. – To the Department of Social Services

For the Children's Division, provided ten percent (10%) flexibility is allowed between subsections within this section, and provided ten percent (10%) flexibility is allowed between Sections 15.350 and 15.360

For adoption subsidy payments

From General Revenue Fund (0101)	\$2,737,189
From Department of Social Services Federal Fund (0610).....	<u>3,760,985</u>

For guardianship subsidy payments

From General Revenue Fund (0101)	827,754
From Department of Social Services Federal Fund (0610).....	<u>685,622</u>
Total.....	\$8,011,550

SECTION 15.365. – To the Department of Social Services

For the MO HealthNet Division

For pharmaceutical payments under MO HealthNet fee-for-service program, professional fees for pharmacists, and for comprehensive chronic care risk management program, provided ten percent (10%) flexibility is allowed between this subsection and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425

From Title XIX - Federal Fund (0163).....	\$70,497,780
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For Medicare Part D Clawback payments, provided ten percent (10%) flexibility is allowed between this section and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425

From General Revenue Fund (0101)	<u>15,821,850</u>
Total.....	\$86,319,630

SECTION 15.370. – To the Department of Social Services

For the MO HealthNet Division

For payment of physician and related services to Certified Community Behavioral Health Organizations

From General Revenue Fund (0101)	\$15,008,611
From Title XIX - Federal Fund (0163).....	<u>18,983,003</u>
Total.....	\$33,991,614

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SECTION 15.380. – To the Department of Social Services

For the MO HealthNet Division

For funding long-term care services

For care in nursing facilities under the MO HealthNet fee-for-service program and for contracted services to develop model policies and practices that improve the quality of life for long-term care residents, provided ten percent (10%) flexibility is allowed between this section and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425

From General Revenue Fund (0101)\$2,846,310

From Title XIX - Federal Fund (0163) 14,532,127

Total.....\$17,378,437

SECTION 15.385. – To the Department of Social Services

For the MO HealthNet Division

For all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee-for-service program, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of Children's Division, provided ten percent (10%) flexibility is allowed between this subsection and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425, and further provided ten percent (10%) flexibility is allowed between Sections 15.350 and 15.385

From General Revenue Fund (0101)\$3,530,453

From Title XIX - Federal Fund (0163) 53,080,592

For non-emergency medical transportation, provided ten percent (10%) flexibility is allowed between this subsection and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425

From Title XIX - Federal Fund (0163) 95,164

Total.....\$56,706,209

SECTION 15.386. – To the Department of Social Services

For the MO HealthNet Division

For complex rehabilitation technology items classified within the Medicare program as of January 1, 2014 as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization and/or institutionalization of a complex needs patient; such items shall include, but not be limited to, complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, and other specialized equipment such as standing frames and gait trainers, provided ten percent (10%) flexibility is allowed between this section and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425

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From General Revenue Fund (0101)	\$17,989
From Title XIX - Federal Fund (0163)	<u>37,919</u>
Total	\$55,908

SECTION 15.390. – To the Department of Social Services

For the MO HealthNet Division

For payment to comprehensive prepaid health care plans for the general plan as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (16), RSMo, provided that the department shall implement programs or measures to achieve cost-savings through emergency room services reform, and further provided that MO HealthNet eligibles described in Section 501(a)(1)(D) of Title V of the Social Security Act may voluntarily enroll in the Managed Care Program, and further provided that the department shall direct its contracted actuary to develop and Aged, Blind, and Disabled rate cell inside the MO HealthNet Managed Care program to reflect the cost of those members choosing to be enrolled in a managed care plan, and further provided ten percent (10%) flexibility is allowed between this section and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425

From General Revenue Fund (0101)	\$118,600,272
From Title XIX - Federal Fund (0163)	<u>478,722,714</u>

For supplemental payments to Tier 1 Safety Net Hospitals, or to any affiliated physician group that provides physicians for any Tier 1 Safety Net Hospital, for physician and other healthcare professional services as approved by the Centers for Medicare and Medicaid Services

From Title XIX - Federal Fund (0163)	21,496,069
From Department of Social Services Intergovernmental Transfer Fund (0139)	<u>11,066,696</u>
Total	\$629,885,751

SECTION 15.395. – To the Department of Social Services

For the MO HealthNet Division

For payment to a comprehensive prepaid health care plan for the specialty plan as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-158, Section 4744) and by Section 208.152 (16), RSMo.

From General Revenue Fund (0101)	\$2,199,311
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SECTION 15.400. – To the Department of Social Services

For the MO HealthNet Division

For hospital care under the MO HealthNet fee-for-service program, graduate medical education, and for a comprehensive chronic care risk management program, provided that the MO HealthNet Division shall track payments to out-of-state hospitals by location, and further provided the department seek

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Matter in bold-face type is proposed language.

a waiver of the institutions for mental disease (IMD) exclusion for inpatient mental health treatment for MO HealthNet participants in psychiatric hospitals pursuant to Section 12003 of the 21st Century Cures Act with the state share through the federal reimbursement allowance; and further provided ten percent (10%) flexibility is allowed between this subsection and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425

From General Revenue Fund (0101)	\$9,653,372
From Title XIX - Federal Fund (0163)	<u>17,742,205</u>
Total	\$27,395,577

SECTION 15.405. – To the Department of Social Services

For the MO HealthNet Division

For health homes, provided ten percent (10%) flexibility is allowed between this section and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425

From General Revenue Fund (0101)	\$476,864
From Title XIX - Federal Fund (0163)	<u>517,732</u>
Total	\$994,596

SECTION 15.410. – To the Department of Social Services

For the MO HealthNet Division

For funding programs to enhance access to care for uninsured children using fee for service, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services, provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than or equal to 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than or equal to 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the amount of a family's income which is less than or equal to 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than or equal to 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program, ten percent (10%) flexibility is allowed between this section and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425

From General Revenue Fund (0101)	\$6,255,496
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SECTION 15.415. – To the Department of Social Services

For the MO HealthNet Division

For the Show-Me Healthy Babies Program authorized by Section 208.662, RSMo, provided ten percent (10%) flexibility is allowed between this

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Matter in bold-face type is proposed language.

section and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425	
From General Revenue Fund (0101)	\$1,352,338
From Title XXI - Children's Health Insurance Program Federal Fund (0159)	4,408,743
Total.....	\$5,761,081

SECTION 15.416. – To the Department of Social Services

For the MO HealthNet Division

For MO HealthNet services for the Department of Elementary and Secondary Education under the MO HealthNet fee-for-service program

From Title XIX - Federal Fund (0163)	\$2,410,302
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SECTION 15.420. – To the Department of Social Services

For the MO HealthNet Division

For medical benefits for blind individuals ineligible for MO HealthNet coverage who receive the Missouri Blind Pension cash grant, provided that individuals under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent of the federal poverty level but greater than or equal to 150 percent of the federal poverty level; eight percent of the amount of a family's income which is less than 225 percent of the federal poverty level but greater than or equal to 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than or equal to 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income equal to or greater than 300 percent of the federal poverty level are ineligible for this program, and further provided ten percent (10%) flexibility is allowed between this section and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425

From General Revenue Fund (0101)	\$1,144,624
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SECTION 15.425. – To the Department of Social Services

For the MO HealthNet Division

For program distributions related to Section 36 (c) of Article IV of the Missouri Constitution, and provided ten percent (10%) flexibility is allowed between this section and Sections 15.365, 15.380, 15.385, 15.386, 15.390, 15.400, 15.405, 15.410, 15.415, 15.420, and 15.425

From FMAP Enhancement-Expansion Fund (2466)	\$10,343,256
From Title XIX - Adult Expansion Federal Fund (0358)	382,947,610
From Pharmacy Reimbursement Allowance Fund (0144)	363,642
From Nursing Facility Reimbursement Allowance Fund (0196)	288,809
From Ambulance Service Reimbursement Allowance Fund (0958)	63,751
From Federal Reimbursement Allowance Fund (0142)	31,149,408
Total.....	\$425,156,476

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SECTION 15.430. – To the Supreme Court

For funding the State Courts Administrator and implementing and supporting an integrated case management system

Expense and Equipment, and provided twenty-five percent (25%) flexibility is allowed between this section and Section 15.435

From Veterans, Health, and Community Reinvestment Fund (0608) \$90,000

SECTION 15.435. – To the Supreme Court

For funding the Circuit Courts

Personal Service, and provided twenty-five percent (25%) flexibility is allowed between this section and Section 15.430

From Veterans, Health, and Community Reinvestment Fund (0608) \$2,231,308

SECTION 15.440. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the payment of real property leases, utilities, systems furniture, and structural modifications

For the Office of Administration

Expense and Equipment

From General Revenue Fund (0101) \$325,000

For the Department of Natural Resources

Expense and Equipment

From General Revenue Fund (0101) 24,000

Total..... \$349,000

SECTION 15.445. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For operation of state-owned facilities, utilities, systems furniture, and structural modifications; provided that five percent (5%) flexibility is allowed between Section 15.445 and 15.450, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) flexibility between federal funds within this section

For the Department of Elementary and Secondary Education

Expense and Equipment

From General Revenue Fund (0101) \$16,100

From Vocational Rehabilitation Fund (0104) 35,050

From DESE - Federal Fund (0105)..... 12,545

From Child Care and Development Block Grant Federal Fund (0168)..... 5,955

For the Department of Higher Education and Workforce Development

Expense and Equipment

From General Revenue Fund (0101) 10,571

From Job Development and Training Fund (0155)..... 16,358

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For the Department of Revenue	
Expense and Equipment	
From General Revenue Fund (0101)	65,783
For the Office of Administration	
Expense and Equipment	
From General Revenue Fund (0101)	129,673
From State Facility Maintenance and Operation Fund (0501).....	17,586
From Children's Trust Fund (0694)	801
For the Department of Agriculture	
Expense and Equipment	
From General Revenue Fund (0101)	3,497
From Department of Agriculture - Federal Fund (0133).....	927
From Animal Health Laboratory Fee Fund (0292).....	1,160
From Animal Care Reserve Fund (0295)	168
From Commodity Council Merchandising Fund (0406)	99
From Single - Purpose Animal Facilities Loan Program Fund (0408)	117
From Industrial Hemp Fund (0476).....	99
From State Milk Inspection Fees Fund (0645).....	129
From Grain Inspection Fees Fund (0647).....	111
From Petroleum Inspection Fund (0662).....	3,472
From Missouri Wine and Grape Fund (0787).....	319
From Agriculture Development Fund (0904)	46
From Agriculture Protection Fund (0970).....	8,993
For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund (0101)	17,607
From DNR - Federal Fund (0140)	8,815
From Missouri Air Emission Reduction Fund (0267).....	1,469
From DNR Cost Allocation Fund (0500).....	2,448
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568)	3,851
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	259
From Solid Waste Management Fund (0570).....	612
From Metallic Minerals Waste Management Fund (0575).....	7
From Natural Resources Protection Fund - Air Pollution Asbestos Fee	
Subaccount (0584)	84
From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594)	2,610
From Soil and Water Sales Tax Fund (0614).....	1,074
From Energy Set-Aside Program Fund (0667)	962
From Hazardous Waste Fund (0676).....	937
From Safe Drinking Water Fund (0679)	3,988
From Mined Land Reclamation Fund (0906)	329
From Energy Futures Fund (0935).....	23

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund (0101)	7,610
From Division of Tourism Supplemental Revenue Fund (0274)	2,897
From Department of Economic Development Administrative Fund (0547)	921
For the Department of Commerce and Insurance	
Expense and Equipment	
From Division of Credit Unions Fund (0548)	949
From Division of Finance Fund (0550)	6,303
From Insurance Examiners Fund (0552)	3,403
From Insurance Dedicated Fund (0566)	11,830
From Public Service Commission Fund (0607)	3,554
From Professional Registration Fees Fund (0689)	8,579
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund (0101)	3,638
From DOLIR - Commission on Human Rights - Federal Fund (0117)	2,274
From DOLIR Administrative Fund (0122)	18,196
From Division of Labor Standards - Federal Fund (0186)	226
From Unemployment Compensation Administration Fund (0948)	19,410
From Workers' Compensation Fund (0652)	16,593
From Special Employment Security Fund (0949)	10,548
For the Department of Public Safety	
Expense and Equipment	
From General Revenue Fund (0101)	9,228
From Veterans' Commission Capital Improvement Trust Fund (0304)	4,244
From Division of Alcohol and Tobacco Control Fund (0544)	3,895
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From State Highways and Transportation Department Fund (0644)	8,083
For the Department of Public Safety	
For the Missouri Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund (0286)	2,424
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund (0101)	38,542
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101)	28,798

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From Department of Mental Health - Federal Fund (0148).....	6,946
From Health Initiatives Fund (0275).....	207
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101)	34,636
From Department of Health and Senior Services - Federal Fund (0143)	35,378
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101)	177,800
From Temporary Assistance for Needy Families Fund (0199)	4,068
From Department of Social Services Federal Fund (0610).....	21,886
From Health Initiatives Fund (0275).....	567
From Department of Social Services Educational Improvement Fund (0620).....	175
For the Governor	
Expense and Equipment	
From General Revenue Fund (0101)	175,397
For the Lieutenant Governor	
Expense and Equipment	
From General Revenue Fund (0101)	1,923
For the General Assembly	
Expense and Equipment	
From General Revenue Fund (0101)	66,225
For the Secretary of State	
Expense and Equipment	
From General Revenue Fund (0101)	38,188
From Secretary of State's Technology Trust Fund Account (0266).....	420
From Local Records Preservation Fund (0577)	217
From Investor Education and Protection Fund (0829)	838
For the State Auditor	
Expense and Equipment	
From General Revenue Fund (0101)	8,530
For the Attorney General	
Expense and Equipment	
From General Revenue Fund (0101)	16,008
From Attorney General - Federal Fund (0136)	5,101
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568)	3,979
From Workers' Compensation Fund (0652)	1,151
From Workers' Compensation - Second Injury Fund (0653)	1,145
From Hazardous Waste Fund (0676).....	318

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For the State Treasurer	
Expense and Equipment	
From State Treasurer's General Operations Fund (0164).....	6,406
For the Judiciary	
Expense and Equipment	
From General Revenue Fund (0101)	11,094
Total.....	\$1,205,382

SECTION 15.450. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the operation of institutional facilities, utilities, systems furniture, and structural modifications; provided that five percent (5%) flexibility is allowed between Section 15.445 and 15.450, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) flexibility between federal funds within this section

For the Department of Elementary and Secondary Education	
Expense and Equipment	
From General Revenue Fund (0101)	\$143,559

For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101)	721,665

For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101)	121,362
From Department of Social Services Federal Fund (0610).....	28,545
Total.....	\$1,015,131

SECTION 15.455. – To the Office of Administration

For the Department of Natural Resources administration of programs appropriated herein

 Personal Service

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....	\$34,084
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PART 2

SECTION 15.1000. – To the Department of Mental Health

 In reference to Sections 15.255 and 15,260 of Part 1 of this act:

 No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2022, with the exception of the following: revenue maximization initiatives; increases in the contracted base rate for supported community living provided by Residential Care Facilities and Intermediate Care Facilities resulting from a Cost-of-Living Adjustment to Supplemental Security Income benefits; Certified Community Behavioral

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Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health, with the exception of revenue maximization initiatives; Value Based Payments for Certified Community Behavioral Health Clinics; cost-based and actuarially sound rate changes for Comprehensive Substance Treatment and Rehabilitation (CSTAR) programs; a 5.5% rate increase for Comprehensive Substance Treatment and Rehabilitation (CSTAR) and Adult Community Program providers, excluding providers designated as Certified Community Behavioral Health Clinics; and providers of children's residential treatment services, in which the rates for level 4 residential treatment services shall be consistent with the children's division.

SECTION 15.1005. – To the Department of Mental Health

In reference to Section 15.290 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates for the service categories of residential, non-residential and other Home and Community-Based Services greater than the projected 2024 upper bound rates developed by the Department of Mental Health in conjunction with Mercer, with the exception of Value Based Payments and provider rates above the projected 2024 upper bound rates developed by the Department of Mental Health in conjunction with Mercer as of January 1, 2022, which shall be held harmless.

SECTION 15.1005. – To the Department of Social Services

In reference to Sections 15.350, 15.355, 15.360, 15.386, and 15.405 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2022.

SECTION 15.1010. – To the Department of Social Services

In reference to Section 15.385 of Part 1 of this act:

No funds shall be expended in furtherance of therapeutic foster care provider rates greater than: \$134.90 per day for level I, \$220.54 per day for level II.

SECTION 15.1015. – To the Department of Social Services

In reference to Section 15.385 of Part 1 of this act:

No funds shall be expended in furtherance of Qualified Residential Treatment Program (QRT) provider rates greater than \$202.39 per day.

SECTION 15.1020. – To the Department of Social Services

In reference to Section 15.370 of Part 1 of this act:

No funds shall be expended in furtherance of physician provider rates greater than the rate in effect on January 1, 2022, except rates for Certified Community Behavioral Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health.

SECTION 15.1035. – To the Department of Social Services

In reference to Section 15.385 of Part 1 of this act:

No funds shall be expended in furtherance of rehabilitation and specialty provider rates greater than the rate in effect on January 1, 2022, except increases for rate setting services at 75% of the state fiscal year 2022 Medicare comparable rate, and except provider rates that may be increased greater than 75% of the state fiscal year 2022 Medicare comparable rate for audiology services, optical services, speech therapy services, occupational therapy, physical therapy, ambulance mileage rates, and further provided payments for treat-no-transport services be set at \$252, and further excepting providers of non-emergency medical transportation for MO HealthNet and Department of Mental Health for whom no funds shall be expended in furtherance of provider rates greater than the lower bound actuarial soundness rate, and further excepting providers of hospice care, for whom no funds shall be expended in furtherance of provider rates for routine home care, continuous care, inpatient respite care, and general inpatient care greater than 3.50% above the blended rate in effect on January 1, 2022, and for whom no funds shall be expended in furtherance of rates no greater than 95% of the nursing facility per diem rate for room and board for services provided in a nursing facility.

SECTION 15.1045. – To the Department of Social Services

In reference to Sections 15.390 and 15.395 of Part 1 of this act:

No funds shall be expended in furtherance of managed care contract rates greater than the lower bound actuarial soundness rate.

SECTION 15.1050. – To the Department of Social Services

In reference to Section 15.400 of Part 1 of this act:

No funds shall be expended in furtherance of Psychiatric Residential Treatment Facility (PRTF) provider rates greater than \$417.22 per day.

SECTION 15.1060. – To the Department of Social Services

In reference to all sections except for Section 15.425 in Part 1 of this act:

No funds shall be expended for program distributions related to Section 36(c) of Article IV of the Missouri Constitution.

SECTION 15.1065. – To the Department of Social Services

In reference to Section 15.400 in Part 1 of this act:

Provided that in-patient Medicaid psychiatric free-standing hospitals have a minimum rate equivalent to the state fiscal year 2022 weighted average of the daily rate.

SECTION 15.1070. – To the Department of Social Services

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of administrative costs greater than five percent (5%) of said federal grant amount or in accordance with grant guidelines.

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Matter in bold-face type is proposed language.

PART 3**SECTION 15.2005.** – To the Department of Social Services

In reference to Section 15.350 of Part 1 and Part 2 of this act:

Special expenses for clothing allowances shall be paid at least quarterly.

SECTION 15.2010. – To the Department of Social Services

In reference to Sections 15.390 and 15.395 of Part 1 and Part 2 of this act:

Contract changes shall be provided in writing, prior to submission to the Centers for Medicare and Medicaid Services, to the House Budget and

Senate Appropriation Committee Chairs.

SECTION 15.2015. – To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

The Department shall provide written notification, prior to submission to the federal government, of state plans and state plan amendments, grant applications, and Medicaid waivers to the House Budget and Senate Appropriation Committee Chairs.

Bill Totals

General Revenue Fund.....	\$427,303,560
Federal Funds.....	1,448,458,040
Other Funds.....	<u>176,352,464</u>
Total.....	\$2,052,114,064

Approved May 15, 2023

HCS HB 17**Appropriates money for capital improvement and other purposes for the several departments and offices of state government**

AN ACT to appropriate money for capital improvement and other purposes for the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2023, and ending June 30, 2024, the unexpended balances available as of June 30, 2023, but not to exceed the amounts stated herein, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.005. – To the Office of Administration

For the Department of Elementary and Secondary Education

For planning, design, repairs, replacements, improvements, and renovations to the Missouri School for the Blind

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.005, an Act of the 100th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.005, an Act of the 101st General Assembly, Second Regular Session

From School for the Blind Trust Fund (0920) \$3,589

SECTION 17.010. – To the Office of Administration

For the Department of Elementary and Secondary Education

For planning, design, construction, renovation, and upgrades of facilities at the Special Acres School for the Severely Disabled

Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.005, an Act of the 101st General Assembly, Second Regular Session

From General Revenue Fund (0101) \$1,616,535

SECTION 17.015. – To the Office of Administration

For the Department of Elementary and Secondary Education

For planning, design, construction, renovation, and upgrades of facilities at the Autumn Hill State School

Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.007, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522) \$2,094,880

SECTION 17.020. – To Truman State University

For improvements to the Greenwood Autism Center

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.145, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.030, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522) \$500,000

SECTION 17.025. – To the University of Missouri

For the design and construction of a new veterinary laboratory, provided that local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds pursuant to Section 173.480, RSMo

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.170, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of

House Bill 3017, Section 17.035, an Act of the 101st General Assembly,
Second Regular Session
From Budget Stabilization Fund (0522).....\$13,829,599

SECTION 17.030. – To Missouri State University

For the planning, design, and construction of the expansion to the Darr
Agricultural Center

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.210, an Act of the 101st General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 3017, Section 17.045, an Act of the 101st General Assembly,
Second Regular Session

From Budget Stabilization Fund (0522).....\$500,000

SECTION 17.035. – To the University of Central Missouri

For improvements to the W.C. Morris Building

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.180, an Act of the 101st General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 3017, Section 17.050, an Act of the 101st General Assembly,
Second Regular Session

From Budget Stabilization Fund (0522).....\$2,461,163

SECTION 17.040. – To Southeast Missouri State University

For steam tunnel repair and improvements

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.200, an Act of the 101st General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 3017, Section 17.060, an Act of the 101st General Assembly,
Second Regular Session

From Budget Stabilization Fund (0522).....\$2,300,000

SECTION 17.045. – To Northwest Missouri State University

For repairs and improvements to the Central Plant

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.205, an Act of the 101st General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 3017, Section 17.065, an Act of the 101st General Assembly,
Second Regular Session

From Budget Stabilization Fund (0522).....\$5,000,000

SECTION 17.050. – To Missouri Western State University

For various exterior and infrastructure repairs on campus

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.320, an Act of the 101st General Assembly, First
Regular Session, and most recently authorized under the provisions of

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House Bill 3017, Section 17.075, an Act of the 101st General Assembly,
Second Regular Session
From Budget Stabilization Fund (0522) \$305,475

SECTION 17.055. – To Lincoln University

For expansion and renovation of the nursing education facility
Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.190, an Act of the 101st General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 3017, Section 17.080, an Act of the 101st General Assembly,
Second Regular Session
From Budget Stabilization Fund (0522) \$3,998,179

SECTION 17.060. – To the Department of Higher Education and Workforce
Development

For equal distribution to community colleges for deferred maintenance
Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.215, an Act of the 101st General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 3017, Section 17.090, an Act of the 101st General Assembly,
Second Regular Session
From Budget Stabilization Fund (0522) \$900,000

SECTION 17.065. – To the University of Missouri

For the planning, design, and construction of an advanced manufacturing
building on the Rolla campus
Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.335, an Act of the 101st General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 3017, Section 17.105, an Act of the 101st General Assembly,
Second Regular Session
From Budget Stabilization Fund (0522) \$5,000,000

SECTION 17.070. – To the Department of Higher Education and Workforce
Development

For the design of a medical school located in a city with more than seventy-one
thousand but fewer than seventy-nine thousand inhabitants, provided that
any funds disbursed from this appropriation shall be matched on a 50/50
basis by the recipient
Representing expenditures originally authorized under the provisions of
House Bill 3019, Section 19.009, an Act of the 101st General Assembly,
Second Regular Session
From Budget Stabilization Fund (0522) \$800,000

SECTION 17.075. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at the Capitol Complex
 Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.020, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.120, an Act of the 101st General Assembly, Second Regular Session
 From Board of Public Buildings Bond Proceeds Fund (Various)\$3,970,203

SECTION 17.080. – To the Office of Administration

For repairs and renovations to the south lawn fountain located on the Capitol Complex
 Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.250, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.125, an Act of the 101st General Assembly, Second Regular Session
 From Budget Stabilization Fund (0522)\$1,150,473

SECTION 17.085. – To the Office of Administration

For construction and renovations to the Joint Committee Hearing Room located on the first floor of the Capitol
 Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.255, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.130, an Act of the 101st General Assembly, Second Regular Session
 From Budget Stabilization Fund (0522)\$1,000,000

SECTION 17.090. – To the Office of Administration

For the replacement of the Senate Chamber carpet
 Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.260, an Act of the 101st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill 3017, Section 17.135, an Act of the 101st General Assembly, Second Regular Session
 From Budget Stabilization Fund (0522)\$174,478

SECTION 17.095. – To the Office of Administration

For the replacement of the House Chamber carpet
 Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.265, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.140, an Act of the 101st General Assembly, Second Regular Session
 From Budget Stabilization Fund (0522)\$289,418

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 Matter in bold-face type is proposed language.

SECTION 17.100. – To the Office of Administration

For the repair and refurbishment of the Capitol building plumbing

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.270, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.145, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522)\$4,119,215

SECTION 17.105. – To the Office of Administration

For the repair and renovation of the bronze doors located in the Capitol building

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.275, an Act of the 101st General Assembly, First Regular Session and most recently authorized under the provisions of House Bill 3017, Section 17.150, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522)\$317,092

SECTION 17.110. – To the Office of Administration

For the repair and renovation of plaster paint areas located in the House of Representatives

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.280, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.155, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522)\$90,250

SECTION 17.115. – To the Office of Administration

For the repair and renovation of plaster paint areas located in the Senate

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.285, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.160, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522)\$100,000

SECTION 17.120. – To the Office of Administration

For the repair and renovations to the House Gallery

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.290, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.165, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522)\$387,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.125. – To the Office of Administration

For repairs and renovations of the Legislative Library

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.295, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.170, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522) \$837,000

SECTION 17.130. – To the Office of Administration

For the Department of Social Services

For a federally qualified health center in a county with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, that treats more than 50,000 patients per year, for design and construction of a medical facility that provides health care services and increases patient access, and matching funds must be provided with a 50/50 state/local match rate in order to be eligible for state funds

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.230, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.175, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522) \$6,500,000

SECTION 17.135. – To the Office of Administration

For a feasibility study of conversion of the current Buck O'Neil vehicle bridge to a pedestrian and bikeway path, conducted jointly by a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and a county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.355, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.190, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522) \$300,000

SECTION 17.140. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the construction of a Workers' Memorial

Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.010, an Act of the 101st General Assembly, Second Regular Session

From Workers' Memorial Fund (0895) \$150,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.145. – To the Office of Administration

For the Department of Agriculture

For the construction of a new comfort station, and other improvements as necessary around the comfort station, located at the Director's Pavilion at the Missouri State Fair

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.225, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.215, an Act of the 101st General Assembly, Second Regular Session

From General Revenue Fund (0101) \$245,511

SECTION 17.150. – To the Department of Agriculture

For the planning, design, construction, and installation of direct current fast charging (DCFC) equipment with a minimum of 100 kilowatts, for meter for fee electric vehicle charging stations at the State Fair

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.365, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.220, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522) \$200,000

SECTION 17.155. – To the Department of Agriculture

For the Agriculture Business Development Division

For the Agriculture and Small Business Development Authority, for biofuel infrastructure projects

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.410, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.225, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522) \$1,400,975

SECTION 17.160. – To the Office of Administration

For the Department of Agriculture

For the State Fair

For planning, design, construction, renovation, land acquisition, and upgrades of facilities at the State Fair

Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.015, an Act of the 101st General Assembly, Second Regular Session

From General Revenue Fund (0101) \$7,950,883

SECTION 17.165. – To the Department of Natural Resources

For the Division of State Parks

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.015, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.230, an Act of the 101st General Assembly, Second Regular Session

From State Park Earnings Fund (0415) \$54,341

SECTION 17.170. – To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.020, an Act of the 100th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.240, an Act of the 101st General Assembly, Second Regular Session

From State Park Earnings Fund (0415) \$217,374

SECTION 17.175. – To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.015, an Act of the 100th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.245, an Act of the 101st General Assembly, Second Regular Session

From State Park Earnings Fund (0415) \$500,000

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Matter in bold-face type is proposed language.

From Department of Natural Resources Federal Fund (0140)	216,290
Total.....	\$716,290

SECTION 17.180. – To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.005, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.250, an Act of the 101st General Assembly, Second Regular Session

From State Park Earnings Fund (0415)	\$2,124,967
From Department of Natural Resources Federal Fund (0140)	1,602,626
Total.....	\$3,727,593

SECTION 17.185. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Big Lake State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.010, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.255, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various)	\$2,918,670
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SECTION 17.190. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Cuivre River State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.015, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.260, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various)	\$1,747,162
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.195. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Current River State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.020, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.265, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various)\$9,261,550

SECTION 17.200. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Dr. Edmund A. Babler State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.025, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.270, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various)\$4,487,030

SECTION 17.205. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Echo Bluff State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.030, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.275, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various)\$2,626,926

SECTION 17.210. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Finger Lakes State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.035, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.280, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various)\$1,424,654

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Matter in bold-face type is proposed language.

SECTION 17.215. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Harry S Truman State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.040, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.285, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$871,698

SECTION 17.220. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Johnson's Shut-Ins State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.045, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.290, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$3,359,791

SECTION 17.225. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Lake of the Ozarks State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.050, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.295, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$2,784,026

SECTION 17.230. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Lewis and Clark State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.055, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.300, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$1,261,951

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.235. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Long Branch State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.060, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.305, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various)\$2,283,103

SECTION 17.240. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Montauk State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.065, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.310, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various)\$2,069,761

SECTION 17.245. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Onondaga Cave State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.070, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.315, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various)\$2,075,439

SECTION 17.250. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Roaring River State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.075, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.320, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various)\$1,623,689

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.255. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at St. Francois State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.080, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.325, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$4,172,848

SECTION 17.260. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Stockton State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.085, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.330, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$670,106

SECTION 17.265. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Table Rock State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.090, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.335, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$6,449,168

SECTION 17.270. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Thousand Hills State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.095, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.340, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$871,698

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.275. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Trail of Tears State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.100, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.345, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$840,195

SECTION 17.280. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Wakonda State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.105, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.350, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$1,733,917

SECTION 17.285. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Watkins Woolen Mill State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.110, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.355, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$4,107,753

SECTION 17.290. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Weston Bend State Park, provided twenty-five (25%) flexibility is allowed between sections 17.185 through 17.290

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.115, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.360, an Act of the 101st General Assembly, Second Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$893,034

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.295. – To the Department of Natural Resources

For the Division of State Parks

For the planning, design, construction, and installation of direct current fast charging (DCFC) equipment with a minimum of 100 kilowatts, for meter for fee electric vehicle charging stations

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.370, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.365, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522) \$944,516

SECTION 17.300. – To the Department of Natural Resources

For the Missouri Geological Survey

For lower Missouri River recovery and flood resiliency to include river system and environmental studies and plans, and identifying construction improvements; feasibility and construction studies, property acquisition and construction; flood forecasting and monitoring products

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.385, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.370, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522) \$1,995,715

SECTION 17.305. – To the Department of Natural Resources

For the Division of State Parks

For the planning, design, and construction of a pedestrian trail originating at Knob Noster State Park

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.375, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.375, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522) \$3,826,974

SECTION 17.310. – To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

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Matter in bold-face type is proposed language.

Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.020, an Act of the 101st General Assembly, Second Regular Session	
From Department of Natural Resources Federal Fund (0140)	\$8,000,000
From State Parks Earnings Fund (0415).....	6,784,060
From State Parks Sales Tax (0613).....	<u>5,000,000</u>
Total.....	\$19,784,060

SECTION 17.315. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at
Nathan and Olive Boone Homestead Historic SiteRepresenting expenditures originally authorized under the provisions of
House Bill 3019, Section 19.025, an Act of the 101st General Assembly,
Second Regular Session

From State Park Earnings Fund (0415) \$200,000

SECTION 17.320. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at
Bennett Spring State ParkRepresenting expenditures originally authorized under the provisions of
House Bill 3019, Section 19.030, an Act of the 101st General Assembly,
Second Regular Session

From State Park Earnings Fund (0415) \$650,000

SECTION 17.325. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at
Roaring River State ParkRepresenting expenditures originally authorized under the provisions of
House Bill 3019, Section 19.035, an Act of the 101st General Assembly,
Second Regular Session

From State Park Earnings Fund (0415) \$750,000

SECTION 17.330. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at
Bryant Creek State ParkRepresenting expenditures originally authorized under the provisions of
House Bill 3019, Section 19.040, an Act of the 101st General Assembly,
Second Regular Session

From State Park Earnings Fund (0415) \$600,000

SECTION 17.335. – To the Department of Natural Resources

For the Division of State Parks

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For planning, design, construction, renovation, and upgrades of facilities at Big Oak Tree State Park Boardwalk
 Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.045, an Act of the 101st General Assembly, Second Regular Session
 From State Park Earnings Fund (0415) \$425,000

SECTION 17.340. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of the Pelster House Barn
 Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.050, an Act of the 101st General Assembly, Second Regular Session

From Historic Preservation Revolving Fund (0430) \$311,000

SECTION 17.345. – To the Department of Natural Resources

For maintenance, repair, and other improvements to state-owned historic properties and other state-owned historical assets in Missouri connected to African-American history and culture in Missouri

Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.053, an Act of the 101st General Assembly, Second Regular Session

From Parks Sales Tax Fund (0613)..... \$2,000,000

SECTION 17.350. – To the Department of Conservation

For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.020, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.385, an Act of the 101st General Assembly, Second Regular Session

From Conservation Commission Fund (0609) \$30,161

SECTION 17.355. – To the Department of Conservation

For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major

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improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.025, an Act of the 100th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.390, an Act of the 101st General Assembly, Second Regular Session

From Conservation Commission Fund (0609)\$5,478,498

SECTION 17.360. – To the Department of Conservation

For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.020, an Act of the 100th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.395, an Act of the 101st General Assembly, Second Regular Session

From Conservation Commission Fund (0609)\$19,196,951

SECTION 17.365. – To the Department of Conservation

For major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, signage, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.120, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.400, an Act of the 101st General Assembly, Second Regular Session

From Conservation Commission Fund (0609)\$7,152,650

SECTION 17.370. – To the Department of Conservation

For major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, signage, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land

From Conservation Commission Fund (0609)\$7,121,249

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Matter in bold-face type is proposed language.

For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas
 From Conservation Commission Fund (0609) 2,472,357

Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.055, an Act of the 101st General Assembly, Second Regular Session

Total.....\$9,593,606

SECTION 17.375. – To the Department of Conservation

For a new Shepherd of the Hills Hatchery visitor center

Expense and Equipment

Representing expenditures originally authorized under the provisions of House Bill 3020, Section 20.045, an Act of the 101st General Assembly, Second Regular Session

From Conservation Commission Fund (0609)\$4,909,507

SECTION 17.380. – To the Department of Conservation

For stormwater and flooding repairs at George O. White State Forest Nursery and Little River Conservation Area

Representing expenditures originally authorized under the provisions of House Bill 3020, Section 20.350, an Act of the 101st General Assembly, Second Regular Session

From Conservation Commission Fund (0609)\$3,000,000

SECTION 17.385. – To the Office of Administration

For the Department of Public Safety

For planning, design, and construction of a new Troop A Headquarters and related facilities

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.125, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.410, an Act of the 101st General Assembly, Second Regular Session

From State Highways and Transportation Department Fund (0644)\$3,250,376

From State Institutions Gift Trust Fund (0925)..... 7,693,874

Total.....\$10,944,250

SECTION 17.390. – To the Office of Administration

For the Missouri State Highway Patrol

For security and safety improvements at regional highway patrol headquarters

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.235, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

House Bill 3017, Section 17.415, an Act of the 101st General Assembly,
Second Regular Session
From Budget Stabilization Fund (0522) \$800,000

SECTION 17.395. – To the Office of Administration

For the Department of Public Safety

For construction of a new columbarium wall and adjacent roadway at
Jacksonville Veterans Cemetery

Representing expenditures originally authorized under the provisions of
House Bill 2019, Section 19.030, an Act of the 100th General Assembly,
Second Regular Session, and most recently authorized under the provisions of
House Bill 3017, Section 17.465, an Act of the 101st General Assembly,
Second Regular Session

From Veterans' Commission Capital Improvement Trust Fund (0304) \$774,469

SECTION 17.400. – To the Office of Administration

For the Department of the National Guard

For design and construction of National Guard facilities statewide

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.030, an Act of the 100th General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 3017, Section 17.425, an Act of the 101st General Assembly,
Second Regular Session

From Adjutant General Federal Fund (0190) \$453,162

SECTION 17.405. – To the Office of Administration

For the Department of the National Guard

For design and construction of an addition to the aircraft maintenance facility at
AVCRAD Base in Springfield and design and construction of a readiness
center and maintenance hangar at AVCRAD Base in Springfield

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.035, an Act of the 100th General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 3017, Section 17.430, an Act of the 101st General Assembly,
Second Regular Session

From Adjutant General Federal Fund (0190) \$108,579,992

SECTION 17.410. – To the Office of Administration

For the Department of the National Guard

For design and construction of National Guard facilities statewide

Representing expenditures originally authorized under the provisions of
House Bill 2019, Section 19.025, an Act of the 100th General Assembly,
Second Regular Session, and most recently authorized under the provisions of
House Bill 3017, Section 17.435, an Act of the 101st General Assembly,
Second Regular Session

From Adjutant General Federal Fund (0190) \$6,198,739

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.415. – To the Office of Administration

For the Department of the National Guard

For design and construction of National Guard facilities statewide

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.130, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.440, an Act of the 101st General Assembly, Second Regular Session

From Adjutant General Federal Fund (0190).....\$18,826,906

SECTION 17.420. – To the Office of Administration

For the Department of the National Guard

For design and construction of an elevator at the Ike Skelton Training Center

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.135, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.445, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522).....\$499,420

SECTION 17.425. – To the Department of the National Guard

For capital improvements and maintenance and repair to a joint civilian and military owned and operated airport located in a city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.395, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.450, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522).....\$963,075

SECTION 17.430. – To the Department of the National Guard

For capital improvements and maintenance and repair to a joint civilian and military owned and operated airport located in a city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants, provided that any funds disbursed from this appropriation shall be matched

Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.077, an Act of the 101st General Assembly, Second Regular Session

From Budget Stabilization Fund (0522).....\$2,500,000

SECTION 17.435. – To the Office of Administration

For the Department of the National Guard

For design and construction of National Guard facilities statewide

Representing expenditures originally authorized under the provisions of
House Bill 3019, Section 19.060, an Act of the 101st General Assembly,
Second Regular Session
From Adjutant General Federal Fund (0190).....\$30,000,000

SECTION 17.440. – To the Office of Administration

For the Department of the National Guard

For design, land acquisition, and construction of the Bellefontaine Neighbors
Readiness Center

Representing expenditures originally authorized under the provisions of
House Bill 3019, Section 19.065, an Act of the 101st General Assembly,
Second Regular Session

From Adjutant General Federal Fund (0190).....\$22,400,000
From Budget Stabilization Fund (0522).....7,749,525
Total.....\$30,149,525

SECTION 17.445. – To the Office of Administration

For the Department of the National Guard

For design, land acquisition, and construction at the Macon Training Center

Representing expenditures originally authorized under the provisions of
House Bill 3019, Section 19.070, an Act of the 101st General Assembly,
Second Regular Session

From General Revenue Fund (0101).....\$2,060,250

SECTION 17.450. – To the Office of Administration

For the Department of the National Guard

For design and construction at the Albany Readiness Center

Representing expenditures originally authorized under the provisions of
House Bill 3019, Section 19.075, an Act of the 101st General Assembly,
Second Regular Session

From General Revenue Fund (0101).....\$938,969

SECTION 17.455. – To the Office of Administration

For the completion of design and construction to replace Fulton State Hospital

Representing expenditures originally authorized under the provisions of
House Bill 2005, Section 5.197, an Act of the 97th General Assembly,
Second Regular Session, and most recently authorized under the provisions
of House Bill 3017, Section 17.470, an Act of the 101st General Assembly,
Second Regular Session

From Fulton State Hospital Bond Proceeds Fund (Various) \$2,980

SECTION 17.460. – To the Office of Administration

For the Department of Mental Health

For the planning, design, and renovation of the Biggs facility at the Fulton State
Hospital

Representing expenditures originally authorized under the provisions of
House Bill 2019, Section 19.035, an Act of the 100th General Assembly,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Second Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.475, an Act of the 101st General Assembly, Second Regular Session
 From Fulton State Hospital Bond Proceeds Fund (0393)\$1,118,341

SECTION 17.465. – To the Office of Administration
 For the Department of Mental Health
 For the planning, design, and construction at the Southeast Missouri Mental Health Center warehouse
 Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.140, an Act of the 101st General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 3017, Section 17.480, an Act of the 101st General Assembly, Second Regular Session
 From Budget Stabilization Fund (0522)\$370,249

SECTION 17.470. – To the Office of Administration
 For the Department of Social Services
 For the planning, design, and construction at the W.E. Sears Youth Center
 Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.080, an Act of the 101st General Assembly, Second Regular Session
 From General Revenue Fund (0101)\$1,076,174

SECTION 17.475. – To the Office of Administration
 For the Department of Social Services
 For the planning, design, and construction at the Camp Avery Park
 Representing expenditures originally authorized under the provisions of House Bill 3019, Section 19.085, an Act of the 101st General Assembly, Second Regular Session
 From General Revenue Fund (0101)\$1,806,512

Bill Totals
 General Revenue Fund.....\$15,694,834
 Federal Funds.....270,482,386
 Other Funds.....144,476,116
 Total.....\$430,653,336

Approved June 30, 2023

SCS HCS HB 18

Appropriates money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment; planning, expenses, and capital improvement projects

AN ACT to appropriate money for the several departments and offices of state government and the several divisions and programs thereof: for the purchase of equipment; planning, expenses, and capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; grants, refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

SECTION 18.005. – To the Office of Administration

For the Department of Elementary and Secondary Education

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$9,889,085

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at various State Board of Education operated school programs

From General Revenue Fund (0101)4,874,854

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at the Missouri School for the Blind

From School for the Blind Trust Fund (0920)4,034,118

Total.....\$18,798,057

SECTION 18.010. – To the Office of Administration

For the State Lottery Commission

For repairs, replacements, and improvements at the Missouri Lottery Commission Headquarters

From Lottery Enterprise Fund (0657).....\$201,818

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 18.015. – To the Office of Administration

Funds are to be transferred out of the State Treasury to the Facilities

Maintenance Reserve Fund

From General Revenue Fund (0101)\$119,231,747

SECTION 18.020. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For emergency requirements, unprogrammed requirements, appraisals and surveys, assessment, abatement, removal remediation, and management of hazardous materials and pollutants, energy conservation, building utilization, and project administration requirements for facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$73,139,354

SECTION 18.025. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide

From Department of Economic Development Federal Fund (0129)\$490,464

From Facilities Maintenance Reserve Fund (0124).....124,734,864

From Missouri State Capitol Commission Capitol Preservation Fund (0202).....1,947,617

From Agriculture Protection Fund (0970).....648,000

Total.....\$127,820,945

SECTION 18.026. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the planning, design, construction, acquisition, maintenance, and repairs of the State Capitol Complex

From Missouri State Capitol Commission Capitol Preservation Fund (0202).....\$50,000,000

SECTION 18.027. – To the Office of Administration

Funds are to be transferred out of the State Treasury to the Missouri State

Capitol Commission Capitol Preservation Fund

From General Revenue Fund (0101)\$300,000,000

SECTION 18.030. – To the Office of Administration

For the Division of Facilities Management, Design and Construction

For receipt and expenditure of insurance or other reimbursements for damage from natural or man-made events

From Facilities Maintenance Reserve Fund (0124).....\$25,000,000

***SECTION 18.035.** – To the Office of Administration

For the Department of Agriculture

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$15,222,228

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$1,145,238 Facilities Maintenance Reserve Fund for the 4-H Building project at the Missouri State Fair. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this funds the estimated project cost. Any additional funds needed should be raised by the State Fair Foundation or other agricultural organizations that utilize these facilities.

I hereby veto \$450,000 Facilities Maintenance Reserve Fund for the Swine Building at the Missouri State Fair. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, the budget has a number of other state fair investments. Any additional funds needed should be raised by the State Fair Foundation or other agricultural organizations that utilize these facilities.

From \$15,222,228 to \$13,626,990 from Facilities Maintenance Reserve Fund.

From \$15,222,228 to \$13,626,990 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 18.040. – To the Office of Administration

For the Department of Natural Resources

For maintenance, repairs, replacements, unprogrammed requirements,
emergency requirements, operational maintenance and repair, and
improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$3,179,656

SECTION 18.045. – To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including
design, construction, renovation, maintenance, repairs, replacements,
improvements, installation and replacement of interpretive exhibits, water
and wastewater improvements, maintenance and repair to existing
roadways, parking areas, and trails, acquisition, restoration, and marketing
of endangered historic properties, and expenditure of recoupments,
donations, and grants

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Department of Natural Resources Federal Fund (0140)	\$11,103,274
From Facilities Maintenance Reserve Fund (0124).....	10,000,000
From State Park Earnings Fund (0415)	30,605,445
From Historic Preservation Revolving Fund (0430)	1,000,000
From State Park Sales Tax Fund (0613).....	<u>16,093,324</u>
Total	\$68,802,043

SECTION 18.050. – To the Department of Conservation

For stream access development; lake site development; financial assistance to other public agencies or in partnership with other public agencies; major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land

From Conservation Commission Fund (0609)	\$111,293,314
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SECTION 18.055. – To the Office of Administration

For the Department of Labor and Industrial Relations

For repairs, replacements, and improvements at facilities statewide

From Workers' Compensation Fund (0652)	\$200,000
From Special Employment Security Fund (0949)	<u>400,000</u>
Total.....	\$600,000

SECTION 18.060. – To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at Missouri State Highway Patrol facilities statewide

From State Highways and Transportation Department Fund (0644)	\$57,694,184
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SECTION 18.065. – To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at state veterans' homes

From Facilities Maintenance Reserve Fund (0124).....	\$18,850,909
From Veterans' Commission Capital Improvement Trust Fund (0304)	<u>49,749,665</u>
Total.....	\$68,600,574

SECTION 18.070. – To the Office of Administration

For the Department of the National Guard

For maintenance and repair at National Guard facilities statewide

From Adjutant General Federal Fund (0190).....	\$69,851,182
From Facilities Maintenance Reserve Fund (0124).....	<u>28,061,838</u>
Total.....	\$97,913,020

SECTION 18.075. – To the Office of Administration

For the Department of Corrections

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$78,437,411

SECTION 18.080. – To the Department of Corrections
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$9,003,905

SECTION 18.085. – To the Office of Administration
 For the Department of Mental Health
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$58,576,494

SECTION 18.090. – To the Office of Administration
 For the Department of Social Services
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$9,997,140
 From Department of Social Services Federal Fund (0610)..... 512,328
 Total.....\$10,509,468

Bill Totals
 General Revenue Fund.....\$424,106,601
 Federal Funds..... 81,957,248
 Other Funds..... 271,919,868
 Total.....\$777,983,717

Approved June 30, 2023

SS SCS HCS HB 19

Appropriates money for the several departments and offices of state government and the several divisions and programs thereof for planning and capital improvements

AN ACT to appropriate money for the several departments and offices of state government and the several divisions and programs thereof for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

SECTION 19.130. – To the Office of Administration

For the repair and restoration of the bronze doors located in the Capitol building

From Missouri State Capitol Commission Capitol Preservation Fund (0202)\$2,750,000

SECTION 19.170. – To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

From State Park Earnings Fund (0415)\$5,650,000

From Department of Natural Resources Federal Fund (0140)8,000,000

From State Park Sales Tax Fund (0613).....5,000,000

Total.....\$18,650,000

SECTION 19.175. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of the Route 66

State Park Historic Bridge

From State Park Earnings Fund (0415)\$6,000,000

SECTION 19.180. – To the Department of Natural Resources

For the Division of State Parks

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For planning, design, construction, renovation, and upgrades of facilities at the
 Shepherd of the Hills State Park
 From State Park Earnings Fund (0415)\$2,600,000

SECTION 19.185. – To the Department of Natural Resources

For the Division of State Parks

For planning, design, construction, renovation, and upgrades of facilities at Big
 Lake State Park
 From State Park Earnings Fund (0415)\$900,000

SECTION 19.190. – To the Department of Conservation

For stream access acquisition and development; lake site acquisition and
 development; financial assistance to other public agencies or in partnership
 with other public agencies; land acquisition for upland wildlife, state forests,
 wetlands, and natural areas and additions to existing areas; for major
 improvements and repairs (including materials, supplies, and labor) to
 buildings, roads, hatcheries, and other departmental structures; and for soil
 conservation activities, erosion control, and land improvement on
 department land
 From Conservation Commission Fund (0609)\$15,400,000

SECTION 19.195. – To the Office of Administration

For the Department of Public Safety

For construction of a new columbarium wall and infrastructure upgrades
 throughout the cemetery grounds at Higginsville Veterans Cemetery
 From Veterans' Commission Capital Improvement Trust Fund (0304)\$6,332,837

SECTION 19.200. – To the Office of Administration

For the Department of Public Safety

For construction of a new columbarium wall, pre-placed crypts, and
 infrastructure upgrades throughout the cemetery grounds at Springfield
 Veterans Cemetery
 From Veterans' Commission Capital Improvement Trust Fund (0304)\$9,382,288

SECTION 19.205. – To the Office of Administration

For the Department of the National Guard

For design and construction of National Guard facilities statewide
 From Adjutant General Federal Fund (0190).....\$30,000,000

SECTION 19.210. – To the Office of Administration

For the Department of the National Guard

For design, land acquisition, and construction of the Bellefontaine Neighbors
 Readiness Center
 From General Revenue Fund (0101)\$5,000,000
 From Adjutant General Federal Fund (0190).....15,000,000
 Total.....\$20,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 19.220. – To the Office of Administration

For the Department of Corrections

For planning, design, construction, renovation, and land acquisition for a new
community supervisory center in the southwest region of Missouri

From Budget Stabilization Fund (0522)\$10,185,393

SECTION 19.225. – To the Office of Administration

For the Department of Corrections

For planning, design, construction, renovation, and upgrades of facilities at the
Fulton Reception and Diagnostic Center

From Budget Stabilization Fund (0522)\$14,302,907

SECTION 19.230. – To the Office of Administration

For the Department of Social Services

For planning, design, construction, renovation, and land acquisition for a new
youth center in the St. Louis region

From General Revenue Fund (0101)\$7,226,945

***SECTION 19.240.** – To the Department of Elementary and Secondary
EducationFor distribution to a nonprofit organization in a county with more than one
million inhabitants, for the renovation and improvements of an educational
supply store that is used as the operational hub for supply chain activities
related to the weekly distribution of schools supplies and educational
resources, provided that local matching funds must be provided on a 50/50
state/local basis

From Budget Stabilization Fund (0522)\$1,500,000

*I hereby veto \$750,000 Budget Stabilization Fund for renovation and improvements of an educational supply store in St. Louis County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

From \$1,500,000 to \$750,000 from Budget Stabilization Fund.

From \$1,500,000 to \$750,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.241.** – To the Department of Elementary and Secondary
EducationFor distribution to an organization dedicated to educational enrichment, tutoring,
and support in the areas of science, technology, engineering, and math
serving underserved and low-income students in a city with more than four

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Matter in bold-face type is proposed language.

hundred thousand inhabitants and located in more than one county, for the repair and renovation of said organization's operating facility, provided that local matching funds must be provided on a 50/50 state/local basis
 From Budget Stabilization Fund (0522) \$150,000

*I hereby veto \$150,000 Budget Stabilization Fund for repairs and renovations to a center for educational enrichment, tutoring, and support in the areas of STEM in Kansas City. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$150,000 to \$0 from Budget Stabilization Fund.
 From \$150,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 19.243.** – To the Department of Elementary and Secondary Education

For a school district in any county with more than one million inhabitants that is home to thirteen schools, serving approximately 5,700 students, for roof maintenance, repairs, improvements, upgrades, and a lead assessment, provided that no local match be required
 From Budget Stabilization Fund (0522) \$13,000,000

*I hereby veto \$13,000,000 Budget Stabilization Fund for the Riverview Gardens School District in St. Louis County for roof maintenance, repairs, improvements, upgrades, and a lead assessment. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project. Additionally, school districts received federal funding that may be used for this purpose.

Said section is vetoed in its entirety from \$13,000,000 to \$0 from Budget Stabilization Fund.
 From \$13,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

- SECTION 19.260.** – To the Department of Higher Education and Workforce Development
For the design, planning, and construction, to include equipment and lab space, of a manufacturing innovation center in a city not within a county, provided that local matching funds must be provided on a 50/50 state/local basis
From Budget Stabilization Fund (0522)\$15,000,000
- SECTION 19.261.** – To the Department of Higher Education and Workforce Development
For the design and construction of a medical school located in a city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants, provided that any funds disbursed from this appropriation shall be matched on a 50/50 basis by the recipient
From Budget Stabilization Fund (0522)\$700,000
- SECTION 19.262.** – To the Department of Higher Education and Workforce Development
For the University of Missouri Fischer Delta Research, Extension and Education Center, for the continuation of the construction for the soil laboratory and maintenance on existing structures, provided that no local match be required
From General Revenue Fund (0101)\$2,000,000
- SECTION 19.263.** – To the Department of Higher Education and Workforce Development
For the University of Missouri Fischer Delta Research, Extension and Education Center, for the construction, maintenance, repairs, improvements, upgrades and maintenance on existing structures, to the greenhouse and farm buildings, provided that no local match be required
From General Revenue Fund (0101)\$1,000,000
- *SECTION 19.264.** – To the Department of Higher Education and Workforce Development
For St. Louis Community College
For the design, construction, maintenance, repairs, improvements and upgrades to the Nursing Allied Health building, provided that no local match be required
From General Revenue Fund (0101)\$46,000,000

*I hereby veto \$46,000,000 general revenue for the design, construction, maintenance, repairs, improvements and upgrades to the Nursing Allied Health building at St. Louis Community College. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

and the current General Assembly. Further, the state is funding two other capital projects for St. Louis Community College.

Said section is vetoed in its entirety from \$46,000,000 to \$0 from General Revenue Fund.
From \$46,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.265.** – To the Department of Higher Education and Workforce
Development

For Mineral Area Community College

For a veterinary technician program, provided that no local match be required

From General Revenue Fund (0101) \$200,000

*I hereby veto \$200,000 general revenue for a veterinary technician program at Mineral Area Community College. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this project needs to be vetted through the existing capital improvement process to provide for a full review and alignment with existing efforts across higher education. Additionally, the Community College did not request this funding.

Said section is vetoed in its entirety from \$200,000 to \$0 from General Revenue Fund.
From \$200,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.266.** – To the Department of Higher Education and Workforce
Development

For Crowder College

For a veterinary technician program, provided that no local match be required

From General Revenue Fund (0101) \$1,400,000

*I hereby veto \$1,400,000 general revenue for a veterinary technician program at Crowder College. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this project needs to be vetted through the existing capital improvement process to provide for a full review and alignment with existing efforts across higher education. Additionally, the Community College did not request this funding.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Said section is vetoed in its entirety from \$1,400,000 to \$0 from General Revenue Fund.
From \$1,400,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.267.** – To the Department of Higher Education and Workforce
Development

For Jefferson Community College

For a veterinary technician program, provided that no local match be required

From General Revenue Fund (0101) \$2,000,000

*I hereby veto \$2,000,000 general revenue for a veterinary technician program at Jefferson Community College. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this project needs to be vetted through the existing capital improvement process to provide for a full review and alignment with existing efforts across higher education. Additionally, the Community College did not request this funding.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from General Revenue Fund.
From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.268.** – To the Department of Higher Education and Workforce
Development

For St. Louis Community College

For a veterinary technician program, provided that no local match be required

From General Revenue Fund (0101) \$200,000

*I hereby veto \$200,000 general revenue for a veterinary technician program at St. Louis Community College. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this project needs to be vetted through the existing capital improvement process to provide for a full review and alignment with existing efforts across higher education. Additionally, the Community College did not request this funding.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Said section is vetoed in its entirety from \$200,000 to \$0 from General Revenue Fund.
From \$200,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.269.** – To the Department of Higher Education and Workforce
Development

For a private higher education institution operating in any county with more than
one million inhabitants for over fifty-five years offering five healthcare
programs with two campus and online options

For a veterinary technician program, provided that no local match be required

From General Revenue Fund (0101) \$75,000

*I hereby veto \$75,000 general revenue for a veterinary technician program at a private higher education institution in St. Louis County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this project needs to be vetted through the existing capital improvement process to provide for a full review and alignment with existing efforts across higher education.

Said section is vetoed in its entirety from \$75,000 to \$0 from General Revenue Fund.
From \$75,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.270.** – To the Department of Higher Education and Workforce
Development

For University of Missouri - St. Louis

For the international collaboration program, provided that no local match be
required

From General Revenue Fund (0101) \$1,000,000

*I hereby veto \$1,000,000 general revenue for the international collaboration program at the University of Missouri - St. Louis. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this funding is not needed and is duplicative of funding appropriated in House Bill 3.200.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Said section is vetoed in its entirety from \$1,000,000 to \$0 from General Revenue Fund.
From \$1,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.300.** – To the Department of Transportation
For the planning, design, land acquisition, utility relocation, and construction of
an exit from U.S. Highway 50 in or near the city of Lone Jack
From General Revenue Fund (0101) \$1,866,000

*I hereby veto \$1,866,000 general revenue for the planning, design, land acquisition, utility relocation, and construction of an exit ramp from U.S. Highway 50 near Lone Jack. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$1,866,000 to \$0 from General Revenue Fund.
From \$1,866,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.301.** – To the Department of Transportation
For the planning, design, land acquisition, utility relocation, and construction of
interchange improvements to Route 370 at Salt River Road
From General Revenue Fund (0101) \$6,600,000

*I hereby veto \$6,600,000 general revenue for the planning, design, land acquisition, utility relocation, and construction of interchange improvements to Route 370 at Salt River Road. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Furthermore, MODOT has committed \$7.05 million in cost share funds already.

Said section is vetoed in its entirety from \$6,600,000 to \$0 from General Revenue Fund.
From \$6,600,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 19.303.** – To the Department of Transportation

For the planning, design, land acquisition, utility relocation, and construction of
capacity improvements on Interstate 44 between U.S. Highway 13 and U.S.
Highway 65

From General Revenue Fund (0101)\$28,000,000

*I hereby veto \$28,000,000 general revenue for the planning, design, land acquisition, utility relocation, and construction of capacity improvements on Interstate 44. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$28,000,000 to \$0 from General Revenue Fund.
From \$28,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 19.307. – To the Department of Transportation

For the maintenance and repair of minor and low volume routes

From Budget Stabilization Fund (0522)\$100,000,000

***SECTION 19.309.** – To the Department of Transportation

For right of way acquisition and utility improvements in Butler County along
U.S. Highway 67 from County Road 352 south to the Arkansas state Line

From General Revenue Fund (0101)\$10,000,000

*I hereby veto \$10,000,000 general revenue for right of way acquisition and utility improvements in Butler County along U.S. Highway 67. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$10,000,000 to \$0 from General Revenue Fund.
From \$10,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 19.310.** – To the Department of Transportation

For the planning, design, land acquisition, utility relocation, and construction of
a bypass around the city of Hannibal on U.S. Highway 61

From General Revenue Fund (0101) \$2,000,000

*I hereby veto \$2,000,000 general revenue for the planning, design, land acquisition, utility relocation, and construction of a bypass around Hannibal on US Highway 61. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from General Revenue Fund.
From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.314.** – To the Department of Transportation

For road improvements in a county with more than nine thousand nine hundred
but fewer than eleven thousand inhabitants and with a county seat with fewer
than two hundred inhabitants

From General Revenue Fund (0101) \$2,366,000

*I hereby veto \$2,366,000 general revenue for road improvements in Lewis County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$2,366,000 to \$0 from General Revenue Fund.
From \$2,366,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.315.** – To the Department of Transportation

For the planning, design, land acquisition, utility relocation, and construction of
a bypass around the city of Macon on U.S. Highway 63

From General Revenue Fund (0101) \$2,500,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$2,500,000 general revenue for the planning, design, land acquisition, utility relocation, and construction of a bypass around Macon on U.S. Highway 63. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$2,500,000 to \$0 from General Revenue Fund.
From \$2,500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.316.** – To the Department of Transportation

For distribution to a city with more than eleven thousand but fewer than twelve thousand five hundred inhabitants and located in a county with more than one million inhabitants, for the planning, design, and construction of a four lane bridge with a multipurpose trail, provided that local matching funds must be provided on a 50/50 state/local basis

From General Revenue Fund (0101)\$2,000,000

*I hereby veto \$2,000,000 general revenue for the planning, design, and construction of a four lane bridge with a multipurpose trail in Eureka. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this project has not been prioritized in a regional planning process and was not included in the list of unfunded needs by the Missouri Department of Transportation. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from General Revenue Fund.
From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.317.** – To the Department of Transportation

For a corridor location and environmental impact study for a new west corridor related to Central City Road in Jasper County

From General Revenue Fund (0101)\$1,100,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$1,100,000 general revenue for a Central City Road corridor location and environmental impact assessment in Jasper County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$1,100,000 to \$0 from General Revenue Fund.
From \$1,100,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.318.** – To the Department of Transportation

For an engineering study related to improvements to upgrade the U.S. Highway
36 corridor to Interstate 72

From Budget Stabilization Fund (0522) \$2,500,000

*I hereby veto \$2,500,000 Budget Stabilization Fund for an engineering study related to upgrades to the U.S. Highway 36 corridor to Interstate 72. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this project has not been prioritized in a regional planning process and was not identified as an unfunded need by the Statewide Transportation Improvement Program. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$2,500,000 to \$0 from Budget Stabilization Fund.
From \$2,500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.320.** – To the Department of Transportation

For the maintenance, repair, and upgrades to Long Branch Drive located in any
county with more than fourteen thousand but fewer than fifteen thousand
seven hundred inhabitants and with a county seat with more than four
thousand nine hundred but fewer than five thousand five hundred
inhabitants, provided that no local match be required

From Budget Stabilization Fund (0522) \$2,750,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$2,750,000 Budget Stabilization Fund for the maintenance, repair, and upgrades to Long Branch Drive located in Macon County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$2,750,000 to \$0 from Budget Stabilization Fund.
From \$2,750,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 19.321. – To the Department of Transportation

For improvements, renovations, maintenance and repair at an airport located in any county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than seventeen thousand but fewer than twenty-one thousand inhabitants, provided that no local matching funds be required

From Budget Stabilization Fund (0522) \$850,000

***SECTION 19.322.** – To the Department of Transportation

For improvements to a port located in any county with more than nine thousand nine hundred but fewer than eleven thousand inhabitants and with a county seat with more than two thousand five hundred but fewer than three thousand five hundred inhabitants, provided that no local matching funds shall be required

From Budget Stabilization Fund (0522) \$1,000,000

*I hereby veto \$1,000,000 Budget Stabilization Fund for improvements to the Howard/Cooper Port. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$1,000,000 to \$0 from Budget Stabilization Fund.
From \$1,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 19.341.** – To the Office of Administration

For distribution to a city with more than seven hundred sixty but fewer than eight hundred fifty-five inhabitants and that is the county seat of a county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants, for the planning, design, and construction of a wellness center, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522)\$2,250,000

*I hereby veto \$2,250,000 Budget Stabilization Fund for the planning, design, and construction of a wellness center in Pineville. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$2,250,000 to \$0 from Budget Stabilization Fund.

From \$2,250,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 19.344. – To the Office of Administration

For maintenance, repairs, replacements, and improvements to the campus of a hospital in a city with more than four thousand four hundred but fewer than four thousand nine hundred inhabitants and located in a county with more than fourteen thousand but fewer than fifteen thousand seven hundred inhabitants and with a county seat with more than four thousand five hundred fifty but fewer than four thousand nine hundred inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522)\$1,000,000

SECTION 19.347. – To the Office of Administration

For distribution to a nonprofit organization for the restoration of the sole remaining structures of three small school buildings where African-American children were educated before desegregation in a county with more than one hundred thousand but fewer than one hundred twenty thousand inhabitants and with a county seat with more than four thousand but fewer than six thousand inhabitants

From Budget Stabilization Fund (0522)\$100,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 19.348.** – To the Office of Administration

For the purpose of removing condemned, vacant properties in any county with more than one million inhabitants, with the radius to begin with one of the most diverse school districts, per capita, in Missouri, with approximately 1,845 students, to include any census designated place with more than sixteen thousand but fewer than eighteen thousand inhabitants and located in a county with more than one million inhabitants and any census designated place with more than twenty-seven thousand but fewer than thirty thousand inhabitants and located in a county with more than one million inhabitants, and any census designated place with more than twenty thousand but fewer than twenty-three thousand inhabitants and located in a county with more than one million inhabitants, provided that no local match be required

From General Revenue Fund (0101)\$5,000,000

*I hereby veto \$5,000,000 general revenue for the purpose of removing condemned, vacant properties in St. Louis County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$5,000,000 to \$0 from General Revenue Fund.

From \$5,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.349.** – To the Office of Administration

For a nonprofit organization located in any city with more than eight thousand but fewer than nine thousand inhabitants and located in county with more than one million inhabitants to give a furniture bank whose mission is to give under-served families a sense of pride and improve the quality of their lives by providing basic household furnishings to purchase a building to house furniture

From General Revenue Fund (0101)\$1,000,000

*I hereby veto \$1,000,000 general revenue for a nonprofit furniture bank to purchase a storage building. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration

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Matter in bold-face type is proposed language.

and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$1,000,000 to \$0 from General Revenue Fund.
From \$1,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.361.** – To the Department of Agriculture

For a program to promote the hemp industry through the use of hemp tri-crop technology in a county with more than one hundred thousand but fewer than one hundred twenty thousand inhabitants and with a county seat with more than nine thousand but fewer than eleven thousand inhabitants

From General Revenue Fund (0101) \$100,000

*I hereby veto \$100,000 general revenue for a program to promote the hemp industry through the use of hemp tri- crop technology in Cass County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$100,000 to \$0 from General Revenue Fund.
From \$100,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.381.** – To the Department of Natural Resources

For distribution to a city with more than thirty-three thousand but fewer than thirty-six thousand five hundred inhabitants, for watershed and stormwater management and erosion mediation, provided that local matching funds must be provided on a 75/25 state/local basis

From Budget Stabilization Fund (0522) \$500,000

*I hereby veto \$500,000 Budget Stabilization Fund for watershed and stormwater management and erosion mediation in Wildwood. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I

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have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$500,000 to \$0 from Budget Stabilization Fund.
From \$500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.382.** – To the Department of Natural Resources

For capital improvement projects to a bridge and access trail located in a county with more than thirty thousand but fewer than thirty-five thousand inhabitants and with a county seat with more than two thousand but fewer than three thousand eight hundred inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis, provided that any bridge for which funding is received from this appropriation shall henceforth be named the Senator David Sater Bridge, and further provided that the county commission shall oversee said capital improvements

From Budget Stabilization Fund (0522) \$500,000

*I hereby veto \$500,000 Budget Stabilization Fund for capital improvement projects to the Jenkins Bridge and access trail located in a Barry County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project. Additionally, my administration has previously vetoed this project, and our position has not changed.

Said section is vetoed in its entirety from \$500,000 to \$0 from Budget Stabilization Fund.
From \$500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.383.** – To the Department of Natural Resources

For an interest free loan program for drinking water infrastructure in a city with more than sixty-four thousand but fewer than seventy-one thousand inhabitants, with a payback of no more than ten years

From General Revenue Fund (0101) \$5,000,000

*I hereby veto \$5,000,000 general revenue for an interest free loan program for drinking water infrastructure in St. Charles. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing

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general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this loan program may violate Mo. Const. Art. III, Section 39(1) which prohibits the General Assembly from lending the credit of the state to a municipal corporation. Missouri courts have not squarely addressed the question of whether an interest-free loan should be treated as a grant, rather than a lending of credit.

Said section is vetoed in its entirety from \$5,000,000 to \$0 from General Revenue Fund.

From \$5,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.388.** – To the Department of Natural Resources

For an interest free loan program for drinking water infrastructure in a city with more than one thousand one hundred seventy but fewer than one thousand three hundred inhabitants and located in a county with more than sixty thousand but fewer than seventy thousand inhabitants, with a payback of no more than ten years

From General Revenue Fund (0101) \$850,000

*I hereby veto \$850,000 general revenue for an interest free loan program for drinking water infrastructure in Bismarck. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this loan program may violate Mo. Const. Art. III, Section 39(1) which prohibits the General Assembly from lending the credit of the state to a municipal corporation. Missouri courts have not squarely addressed the question of whether an interest-free loan should be treated as a grant, rather than a lending of credit.

Said section is vetoed in its entirety from \$850,000 to \$0 from General Revenue Fund.

From \$850,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.389.** – To the Department of Natural Resources

For the planning, design, construction, maintenance, repair, and capital improvements of water storage, water delivery, wastewater systems, and stormwater systems located in a county with more than seven hundred thousand but fewer than eight hundred thousand inhabitants, provided that local matching funds must be provided on a 70/30 state/local basis

From General Revenue Fund (0101) \$1,662,000

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*I hereby veto \$1,662,000 general revenue for the planning, design, construction, maintenance, repair, and capital improvements of water storage, water delivery, wastewater systems, and stormwater systems located in Jackson County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$1,662,000 to \$0 from General Revenue Fund.
From \$1,662,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.390.** – To the Department of Natural Resources

For an interest free loan program for a metal manufacturer in a county with more than fifteen thousand seven hundred but fewer than seventeen thousand six hundred inhabitants and with a county seat with more than two thousand but fewer than three thousand inhabitants, for costs of compliance with laws and regulations enforced by the U.S. Environmental Protection Agency, with a payback of no more than ten years

From General Revenue Fund (0101) \$8,500,000

*I hereby veto \$8,500,000 general revenue for an interest free loan program for a metal manufacturer in New Madrid County for costs of compliance with laws and regulations enforced by the U.S. Environmental Protection Agency. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this violates Article III, Section 38(a) of the Missouri constitution, which prohibits the lending of public credit to any private person, association or corporation except under specific circumstances that do not exist here.

Said section is vetoed in its entirety from \$8,500,000 to \$0 from General Revenue Fund.
From \$8,500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.392.** – To the Department of Natural Resources

For planning, design, construction, maintenance, repair, and capital improvements for water storage, water delivery, waste water systems and storm water systems located in any city with more than six hundred eighty

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but fewer than seven hundred sixty inhabitants and located in a county with more than forty thousand but fewer than fifty thousand inhabitants and with a county seat with more than ten thousand but fewer than fourteen thousand inhabitants, provided that local matching funds must be provided on a 90/10 state/local basis

From General Revenue Fund (0101) \$5,600,000

*I hereby veto \$5,600,000 general revenue for planning, design, construction, maintenance, repair, and capital improvements for water storage, water delivery, waste water systems and storm water systems for New Bloomfield. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$5,600,000 to \$0 from General Revenue Fund.
From \$5,600,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.393.** – To the Department of Natural Resources

For a public agency governed by a 12 member appointed board with the mission to make the St. Louis region a more vibrant place to live, work and play by developing a regional network of greenways, provided that no local match be required

From General Revenue Fund (0101) \$25,000,000

*I hereby veto \$10,000,000 general revenue for the Great Rivers Greenway project in the St. Louis region developing a regional network of greenways. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

From \$25,000,000 to \$15,000,000 from General Revenue Fund.
From \$25,000,000 to \$15,000,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.394.** – To the Department of Natural Resources

For a sewer district serving over 520 square miles and five major watersheds that protects the health, safety, and water environment by responsibly providing wastewater and storm water management for the Rollingsford to Bristol Rock creek bank stabilization, provided that no local match be required

From General Revenue Fund (0101) \$245,000

*I hereby veto \$245,000 general revenue for the Rollingsford to Bristol Rock creek bank stabilization in the Metropolitan St. Louis Sewer District. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$245,000 to \$0 from General Revenue Fund.
From \$245,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.395.** – To the Department of Natural Resources

For a sewer district serving over 520 square miles and five major watersheds that protects the health, safety, and water environment by responsibly providing wastewater and storm water management for the Champlin Drive storm sewer, provided that no local match be required

From General Revenue Fund (0101) \$230,000

*I hereby veto \$230,000 general revenue for the Champlin Drive storm sewer in the Metropolitan St. Louis Sewer District. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$230,000 to \$0 from General Revenue Fund.
From \$230,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.396.** – To the Department of Natural Resources

For a sewer district serving over 520 square miles and five major watersheds that protects the health, safety, and water environment by responsibly providing

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wastewater and storm water management for the Nero Drive creek bank stabilization, provided that no local match be required
 From General Revenue Fund (0101) \$393,120

*I hereby veto \$393,120 general revenue for the Nero Drive creek bank stabilization in the Metropolitan St. Louis Sewer District. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$393,120 to \$0 from General Revenue Fund.
 From \$393,120 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 19.397.** – To the Department of Natural Resources
 For a sewer district serving over 520 square miles and five major watersheds that protects the health, safety, and water environment by responsibly providing wastewater and storm water management for the Empire Court channel improvement, provided that no local match be required
 From General Revenue Fund (0101) \$5,222,000

*I hereby veto \$5,222,000 general revenue for the Empire Court channel improvement in the Metropolitan St. Louis Sewer District. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$5,222,000 to \$0 from General Revenue Fund.
 From \$5,222,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 19.398.** – To the Department of Natural Resources
 For the design, construction, repair and maintenance to repair a pond at the largest park, covering over 31 acres, located in any city with more than thirty thousand but fewer than thirty-three thousand inhabitants and located in a county with more than one million inhabitants, provided that no local match be required
 From General Revenue Fund (0101) \$500,000

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*I hereby veto \$500,000 general revenue for the design, construction, repair and maintenance to repair a pond at Vlasik Park located in Ballwin. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.
From \$500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.399.** – To the Department of Natural Resources

For the maintenance, repair and upgrades to LeCompte Road, located in any city
with more than one hundred sixty thousand but fewer than two hundred
thousand inhabitants, provided that no local match be required
From General Revenue Fund (0101)\$34,000,000

*I hereby veto \$34,000,000 general revenue for the maintenance, repair and upgrades to LeCompte Road in Springfield. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this appropriation provides funding for road construction but is appropriated to the Missouri Department of Natural Resources. Additionally, this is a local responsibility. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$34,000,000 to \$0 from General Revenue Fund.
From \$34,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.400.** – To the Department of Natural Resources

For the design, construction, repair and maintenance for water infrastructure and
replacement project in any county with more than seventeen thousand six
hundred but fewer than nineteen thousand inhabitants and with a county seat
with more than five thousand fifty but fewer than seven thousand inhabitants
From General Revenue Fund (0101)\$608,300

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*I hereby veto \$608,300 general revenue for the design, construction, repair and maintenance for water infrastructure and replacement in Andrew County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$608,300 to \$0 from General Revenue Fund.
From \$608,300 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.401.** – To the Department of Natural Resources

For a one year region specific health, safety, and welfare study of an area between any county with more than seven hundred thousand but fewer than eight hundred thousand inhabitants and any county with more than one hundred thousand but fewer than one hundred twenty thousand inhabitants and with a county seat with more than nine thousand but fewer than eleven thousand inhabitants to assess the impact on local school districts, residential and commercial property values, utilities, groundwater, streams, creeks, lakes, watersheds, transportation infrastructure, churches, wildlife, environment, forestry, emergency response resources, population density up to a three mile radius, zoning requirements including special permitting, currently implemented land use plans, municipalities' economic plans, local codes, airports, operational hours, noise pollution, fault and seismic areas, sinkholes, karst geologic features, acceptable design for location, stakeholder input not including the department public comment, fiscal and investment transparency, coordination with the solid waste management district and early notification of intent of a solid waste disposal area, if the site is located within one mile of an adjoining municipality, provided no permit to operate a solid waste processing facility or solid waste disposal area of a solid waste management system pursuant to §260.205, RSMo, shall be processed during the one year study

From General Revenue Fund (0101) \$100,000

*I hereby veto \$100,000 general revenue for a one year region specific health, safety, and welfare study of an area in Cass and Jackson Counties. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri

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beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$100,000 to \$0 from General Revenue Fund.
From \$100,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 19.416. – To the Department of Economic Development

For community development and industrialization located in any city with more than eighteen thousand but fewer than twenty thousand inhabitants and that is the county seat of a county with more than fifty thousand but fewer than sixty thousand inhabitants

From Budget Stabilization Fund (0522)\$5,000,000

***SECTION 19.417.** – To the Department of Economic Development

For distribution to the Vine Street Community Improvement District (CID), for planning, design, construction, renovation, and upgrades of public infrastructure elements within and immediately adjacent to the parcels comprising the CID, including public roadways, sidewalks, streetscape, street lighting, traffic signage, drainage works, water and storm water systems, security enhancements, and remediation of blighted structures, and to include public parking improvements, provided that no local match be required

From General Revenue Fund (0101)\$7,000,000

*I hereby veto \$7,000,000 general revenue for distribution to the Vine Street Community Improvement District (CID) for planning, design, construction, renovation, and upgrades of public infrastructure elements. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$7,000,000 to \$0 from General Revenue Fund.
From \$7,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.418.** – To the Department of Economic Development

For the downtown revitalization in any city with more than eighteen thousand but fewer than twenty thousand inhabitants and that is the county seat of a county with more than forty thousand but fewer than fifty thousand inhabitants, provided that no local match be required

From Budget Stabilization Fund (0522) \$3,000,000

*I hereby veto \$3,000,000 Budget Stabilization Fund for the downtown revitalization in Rolla. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$3,000,000 to \$0 from Budget Stabilization Fund.

From \$3,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.419.** – To the Department of Economic Development

For a nonprofit organization that was founded in 1983 and consists of at least fifty-five acres with twenty outdoor fields and one indoor facility located in any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants, provided that no local match be required

From General Revenue Fund (0101) \$12,000,000

*I hereby veto \$12,000,000 general revenue for the construction and renovations to a sports complex in Springfield. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$12,000,000 to \$0 from General Revenue Fund.

From \$12,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 19.420.** – To the Department of Economic Development

For distribution to a city with more than twenty-seven thousand but fewer than thirty thousand inhabitants and located in a county with more than one million inhabitants, for renovation, repair, and improvements to a community center, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522)\$3,000,000

*I hereby veto \$3,000,000 Budget Stabilization Fund for renovation, repair, and improvements to a community center in Kirkwood. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$3,000,000 to \$0 from Budget Stabilization Fund.
From \$3,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.421.** – To the Department of Economic Development

For renovation and repairs to a community center providing critical needs to surrounding neighborhoods in a city with more than one thousand five hundred but fewer than one thousand seven hundred inhabitants and located in a county with more than one million inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522)\$100,000

*I hereby veto \$100,000 Budget Stabilization Fund for renovation and repairs to a community center in Wellston. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$100,000 to \$0 from Budget Stabilization Fund.
From \$100,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 19.422.** – To the Department of Economic Development

For the planning, design, and renovations of a nonprofit science center located in a city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522) \$2,000,000

*I hereby veto \$2,000,000 Budget Stabilization Fund for planning, design, and renovations of a nonprofit science center in Springfield. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project. Additionally, this facility received funding in Fiscal Year 2023 (HB 3020), but those funds have not yet been spent.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from Budget Stabilization Fund.
From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.424.** – To the Department of Economic Development

For the planning, design, maintenance or renovation of a hospital in a city with more than sixteen thousand but fewer than eighteen thousand inhabitants and located in more than one county, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522) \$2,500,000

*I hereby veto \$2,500,000 Budget Stabilization Fund for the planning, design, maintenance or renovation of a hospital in Hannibal. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$2,500,000 to \$0 from Budget Stabilization Fund.
From \$2,500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 19.425.** – To the Department of Economic Development

For distribution to a county with more than sixty thousand but fewer than seventy thousand inhabitants, to study the cost of expanding an industrial park, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522) \$500,000

*I hereby veto \$500,000 Budget Stabilization Fund for a study of the cost of expanding an industrial park in St. Francois County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$500,000 to \$0 from Budget Stabilization Fund.
From \$500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.427.** – To the Department of Economic Development

For distribution to a city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants, for the planning, design, and construction of a children's museum, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522) \$1,000,000

*I hereby veto \$1,000,000 Budget Stabilization Fund for the planning, design, and construction of a children's museum in St. Joseph. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$1,000,000 to \$0 from Budget Stabilization Fund.
From \$1,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 19.428.** – To the Department of Economic Development

For distribution to a nonprofit organization in a city with more than two hundred sixty but fewer than two hundred ninety-three inhabitants and located in a county with more than one million inhabitants, to demolish abandoned properties

From General Revenue Fund (0101) \$2,000,000

*I hereby veto \$2,000,000 general revenue for demolition of abandoned properties in Kinloch. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Investments in similar demolition projects in the Fiscal Year 2023 budget have yet to move forward, other funding sources should be pursued outside of this earmarked appropriation.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from General Revenue Fund.

From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.501.** – To the Department of Public Safety

For the planning, design, and construction of a joint justice center for merging 911 dispatch operation centers in a county with more than seventeen thousand six hundred but fewer than nineteen thousand inhabitants and with a county seat with more than eight thousand but fewer than ten thousand inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522) \$3,500,000

*I hereby veto \$3,500,000 Budget Stabilization Fund for the planning, design, and construction of a joint justice center for merging 911 dispatch operation centers in Perry County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I am supportive of first responders and have made budget recommendations supporting law enforcement, first responders, and other emergency personnel in this budget and in previous budgets, this item should be a local responsibility. Other funding mechanisms, such as the ARPA First Responders grant, exist for this purpose. My veto in HB

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

20.150 removing the cap on public safety grants allows this project to pursue that state grant funding opportunity.

Said section is vetoed in its entirety from \$3,500,000 to \$0 from Budget Stabilization Fund.
From \$3,500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 19.502. – To the Department of Public Safety

For distribution to a county with more than seventeen thousand six hundred but fewer than nineteen thousand inhabitants and with a county seat with more than eight thousand but fewer than ten thousand inhabitants, for the planning, design, and construction of a veterans' memorial, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522)\$3,500,000

***SECTION 19.503.** – To the Department of Public Safety

For the planning, design, maintenance, and construction of a training facility for law enforcement in a city with more than eighty-five thousand but fewer than ninety-five thousand inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522)\$12,000,000

*I hereby veto \$12,000,000 Budget Stabilization Fund for the planning, design, maintenance, and construction of a training facility for law enforcement in O'Fallon. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I am supportive of first responders and have made budget recommendations supporting law enforcement, first responders, and other emergency personnel in this budget and in previous budgets, this item should be a local responsibility. Other funding mechanisms, such as the ARPA First Responders grant, exist for this purpose. My veto in HB 20.150 removing the cap on public safety grants allows this project to pursue that state grant funding opportunity.

Said section is vetoed in its entirety from \$12,000,000 to \$0 from Budget Stabilization Fund.
From \$12,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.504.** – To the Department of Public Safety

For the planning, design, and construction of a police center in a city not within a county, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522)\$13,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$13,000,000 Budget Stabilization Fund for the planning, design, and construction of a police center in St. Louis City. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I am supportive of first responders and have made budget recommendations supporting law enforcement, first responders, and other emergency personnel in this budget and in previous budgets, this item should be a local responsibility. Other funding mechanisms, such as the ARPA First Responders grant, exist for this purpose. My veto in HB 20.150 removing the cap on public safety grants allows this project to pursue that state grant funding opportunity.

Said section is vetoed in its entirety from \$13,000,000 to \$0 from Budget Stabilization Fund.
From \$13,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.505.** – To the Office of Administration

For the Department of the National Guard

For the planning, design, construction, and renovations for a civil air patrol facility in any city with more than twenty thousand but fewer than twenty-three thousand inhabitants and that is the county seat of a county with more than forty thousand but fewer than fifty thousand inhabitants, and for equipment for the civil air patrol

From Budget Stabilization Fund (0522)\$107,558

*I hereby veto \$107,558 Budget Stabilization Fund for the planning, design, construction, and renovations for a civil air patrol facility in Sedalia. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, these are operational costs that should be the responsibility of the Civil Air Patrol. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$107,558 to \$0 from Budget Stabilization Fund.
From \$107,558 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.506.** – To the Department of Public Safety

For the planning, design, construction, maintenance, repair and capital improvements to support a public safety access point in any city not within a county, provided that no local match be required

From Budget Stabilization Fund (0522)\$20,000,000

*I hereby veto \$10,000,000 Budget Stabilization Fund for the planning, design, construction, maintenance, repair and capital improvements to support a public safety access point in St. Louis City. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

From \$20,000,000 to \$10,000,000 from Budget Stabilization Fund.

From \$20,000,000 to \$10,000,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.507.** – To the Department of Public Safety

For the planning, design, construction, maintenance, repair or purchase of a Doppler radar for any city with more than seven thousand but fewer than eight thousand inhabitants and located in a county with more than twenty-five thousand but fewer than thirty thousand inhabitants, provided that no local match be required

From Budget Stabilization Fund (0522)\$2,000,000

*I hereby veto \$2,000,000 Budget Stabilization Fund for the planning, design, construction, maintenance, repair or purchase of a Doppler radar for Dexter. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from Budget Stabilization Fund.

From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.508.** – To the Department of Public Safety

For the upgrade of the emergency dispatch call and phone system in a county with more than four hundred thousand but fewer than five hundred thousand inhabitants, further provided that local matching funds must be provided on a 70/30 state/local match rate

From General Revenue Fund (0101) \$7,000,000

*I hereby veto \$7,000,000 general revenue for the upgrade of the emergency dispatch call and phone system in St. Charles County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I am supportive of first responders and have made budget recommendations supporting law enforcement, first responders, and other emergency personnel in this budget and in previous budgets, this item should be a local responsibility. Other funding mechanisms, such as the ARPA First Responders grant, exist for this purpose. My veto in HB 20.150 removing the cap on public safety grants allows this project to pursue that state grant funding opportunity.

Said section is vetoed in its entirety from \$7,000,000 to \$0 from General Revenue Fund.

From \$7,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 19.530. – To the Department of Mental Health

For the planning, design and construction of an inpatient children's acute psychiatric hospital located at a residential treatment facility in a county with more than one million inhabitants operated by a non-profit entity that currently operates or is part of a health system that operates acute/inpatient children's psychiatric hospitals and psychiatric residential treatment facilities with extensive experience in trauma-informed care and adapting the latest neuroscience to treatment, offering youth full medical, psychiatric, clinical, and educational services, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522) \$7,500,000

***SECTION 19.531.** – To the Department of Mental Health

For distribution to a nonprofit organization that serves individuals with developmental disabilities in a city with more than fifty-one thousand but fewer than fifty-eight thousand inhabitants and located in more than one county, for the planning, design, and construction of a building to provide adult daycare services as well as administrative offices, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522) \$2,500,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$2,500,000 Budget Stabilization Fund for the planning, design, and construction of a building to provide adult daycare services for individuals with developmental disabilities in Joplin. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$2,500,000 to \$0 from Budget Stabilization Fund.
From \$2,500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.532.** – To the Office of Administration
For the Department of Mental Health

For renovations to a community mental health center in a county with more than thirty thousand but fewer than thirty-five thousand inhabitants and with a county seat with more than two thousand but fewer than three thousand eight hundred inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis

From General Revenue Fund (0101) \$1,000,000

*I hereby veto \$1,000,000 general revenue for renovations to a community mental health center in Barry County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$1,000,000 to \$0 from General Revenue Fund.
From \$1,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.533.** – To the Office of Administration
For the Department of Mental Health

For renovations to a community mental health center in a county with more than thirty-five thousand but fewer than forty thousand inhabitants and with a county seat with more than two thousand but fewer than five thousand inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis

From General Revenue Fund (0101) \$500,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$500,000 general revenue for renovations to a community mental health center in Lawrence County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.
From \$500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.565.** – To the Department of Social Services

For the renovation of an adult/child day care facility to expand a healthcare clinic in a city with more than six hundred but fewer than six hundred eighty inhabitants and located in a county with more than eight thousand nine hundred but fewer than nine thousand nine hundred inhabitants and with a county seat with more than one thousand but fewer than two thousand inhabitants

From Budget Stabilization Fund (0522) \$1,500,000

*I hereby veto \$1,500,000 Budget Stabilization Fund for the renovation of an adult/child day care facility to expand a healthcare clinic in Viburnum. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

Said section is vetoed in its entirety from \$1,500,000 to \$0 from Budget Stabilization Fund.
From \$1,500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.567.** – To the Department of Social Services

For the planning, design, construction, and equipping of a new oncology center in a city with more than nine thousand but fewer than ten thousand inhabitants and that is the county seat of a county with more than nineteen thousand but fewer than twenty-two thousand inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522) \$1,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$1,000,000 Budget Stabilization Fund for the planning, design, construction, and equipping of a new oncology center in Clinton. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this facility was appropriated \$1 million in the Fiscal Year 2023 ARPA budget which has been reappropriated in Fiscal Year 2024.

Said section is vetoed in its entirety from \$1,000,000 to \$0 from Budget Stabilization Fund.
From \$1,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.568.** – To the Department of Social Services

For distribution to a nonprofit organization in a city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants, for design, planning, and construction of buildings to provide housing for the homeless and office space for administration and delivery of wrap-around services to the homeless, provided that no local match be required

From Budget Stabilization Fund (0522)\$10,000,000

*I hereby veto \$10,000,000 Budget Stabilization Fund for the design, planning, and construction of buildings to provide housing for the homeless and administrative office space in Springfield. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project. Additionally, there are existing state programs aimed at providing services to address homelessness. Funding could be sought through the Missouri Housing Development Commission.

Said section is vetoed in its entirety from \$10,000,000 to \$0 from Budget Stabilization Fund.
From \$10,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 19.574.** – To the Department of Social Services

For acquisition and renovations to a building for a federally qualified health center in a county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than four thousand

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Matter in bold-face type is proposed language.

but fewer than seven thousand inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis
 From General Revenue Fund (0101) \$600,000

*I hereby veto \$600,000 general revenue for acquisition and renovations to a building for a federally qualified health center in Pulaski County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, Central Ozarks Medical Center requested funds to acquire and renovate a building in Richland to serve as a Federally Qualified Health Center. The Department of Social Services has no statutory authority to provide funding for this development. Because the appropriation bill attempts to grant this authority to the department of Social Services, this provision violates the single subject limitation in Article II, Section 23 of the Missouri Constitution. This facility received a \$1,800,000 grant for capital improvement projects in the Fiscal Year 2023 ARPA budget through the FQHC grant program which has been reappropriated in Fiscal Year 2024 to ensure 100% expenditure of those grants.

Said section is vetoed in its entirety from \$600,000 to \$0 from General Revenue Fund.
 From \$600,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 19.591.** – To the Lieutenant Governor

For the planning, design, construction, renovations, maintenance, repair and capital improvements to restore a building into Missouri's first gospel music hall of fame art museum and research center, located in any city not within a county
 From Budget Stabilization Fund (0522) \$4,000,000

*I hereby veto \$2,000,000 Budget Stabilization Fund for the planning, design, construction, renovations, maintenance, repair and capital improvements to transform a building into a gospel music hall of fame, art museum and research center in St. Louis City. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

From \$4,000,000 to \$2,000,000 from Budget Stabilization Fund.
 From \$4,000,000 to \$2,000,000 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

***SECTION 19.610.** – To the Secretary of State

For the planning, design, and construction of a new library in a county with more than thirty thousand but fewer than thirty-five thousand inhabitants and with a county seat with more than two thousand but fewer than three thousand eight hundred inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522) \$750,000

*I hereby veto \$750,000 Budget Stabilization Fund for the planning, design, and construction of a new library in Barry County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$750,000 to \$0 from Budget Stabilization Fund.
From \$750,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

Bill Totals

General Revenue Fund.....	\$246,644,365
Federal Funds.....	317,745,858
Other Funds.....	<u>54,015,125</u>
Total.....	\$618,405,348

Approved June 30, 2023

SS SCS HCS HB 20

Appropriates money for the expenses, grants, refunds, distributions, purchase of equipment, planning expenses, capital improvement projects

AN ACT to appropriate money for the expenses, grants, refunds, distributions, purchase of equipment, planning expenses, capital improvement projects, including but not limited to major additions and renovation of facility components, and equipment or systems for the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2023, and ending June 30, 2024.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2023, and ending June 30, 2024, as follows:

PART 1

SECTION 20.000. – Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part.

SECTION 20.005. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For distributions to private institutions of higher education for MoExcels Workforce Development Initiatives recommended by the Coordinating Board for Higher Education, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis provided that such funds shall be matched by the recipient or local entity

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$10,000,000

SECTION 20.010. – To the Office of Administration

For the Department of Higher Education and Workforce Development

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the purpose of planning and implementing technology updates for Missouri's job centers providing statewide services to citizens and employers and to provide adaptive technology to service citizens with disabilities and allow for improved virtual delivery of services

Expense and Equipment

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....	\$165,343
From Budget Stabilization Fund (0522)	2,200,000
Total.....	\$2,365,343

SECTION 20.013. – To the Office of Administration

For the Department of Transportation

For grants to port authorities, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....	\$23,714,525
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SECTION 20.014. – To the Office of Administration

For the Department of Transportation

For grants to a port authority located in any county with more than fifteen thousand seven hundred but fewer than seventeen thousand six hundred inhabitants and with a county seat with more than two thousand but fewer than three thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....	\$5,000,000
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SECTION 20.016. – To the Department of Transportation

For the design and environmental study phases for a not-for-profit organization formed for the purpose of managing, operating, and maintaining the streetcar as well as planning for future streetcar extensions located in any city with more than four hundred thousand inhabitants and located in more than one county, provided that no local match be required

From Budget Stabilization Fund (0522)	\$1,000,000
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SECTION 20.017. – To the Department of Transportation

For multimodal infrastructure improvements for a public port authority in excess of 100 acres located in any city with more than four hundred thousand inhabitants and located in more than one county, provided that no local match be required

From Budget Stabilization Fund (0522)	\$30,000,000
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For the construction, renovations, and improvements for a public port authority located in any city with more than four hundred thousand inhabitants and located in more than one county, provided that no local match be required

From Budget Stabilization Fund (0522)	7,000,000
Total.....	\$37,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 20.025. – To the Office of Administration
 For the Division of Facilities Management, Design and Construction
 For completing HVAC projects for various state department facilities
 Expense and Equipment
 From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$20,000,000

SECTION 20.026. – To the Office of Administration
 For the Children's Trust Fund Board
 For a pay for outcomes program through the Children's Trust Fund designed to
 enhance the effectiveness of evidence-based home visiting programs serving
 high-risk families
 From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$279,102

SECTION 20.030. – To the Office of Administration
 For the Information Technology Services Division
 For the purpose of planning and implementing technology updates for the
 Department of Commerce and Insurance's e-Licensing system
 Expense and Equipment
 From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$13,603,768

SECTION 20.031. – To the Office of Administration
 For the planning, design, construction, renovation, and upgrades for a new state
 office building located in any city with more than twelve thousand five
 hundred but fewer than fourteen thousand inhabitants and located in a county
 with more than fifty thousand but fewer than sixty thousand inhabitants and
 with a county seat with more than ten thousand but fewer than twelve
 thousand six hundred inhabitants
 From Budget Stabilization Fund (0522).....\$5,630,531

SECTION 20.032. – To the Office of Administration
 For the planning, design, construction, renovation, upgrades, and property
 acquisition for a fleet management office building and fleet garage in any
 county with more than seventy thousand but fewer than eighty thousand
 inhabitants
 From Budget Stabilization Fund (0522).....\$7,601,500

SECTION 20.033. – To the Office of Administration
 For the planning, design, construction, renovation, upgrades, and property
 acquisition for a new statewide warehouse in any county with more than
 seventy thousand but fewer than eighty thousand inhabitants
 From Budget Stabilization Fund (0522).....\$26,317,250

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 20.036. – To the Office of Administration

For renovations, upgrades, and improvements of a sports training facility located on a public university located in any city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants, provided that no local match be required

From Budget Stabilization Fund (0522)\$3,000,000

SECTION 20.046. – To the Lieutenant Governor

For agri-tourism road sign cost-share grants, provided that no local match be required

From General Revenue Fund (0101)\$500,000

SECTION 20.047. – To the Lieutenant Governor

For an art hub and incubator at a theatre that will provide curated movie showings, food, and art installations, located in any city with more than four hundred thousand inhabitants and located in more than one county, provided that no local match be required

From Budget Stabilization Fund (0522)\$2,000,000

SECTION 20.055. – To the Office of Administration

For the Department of Economic Development

For broadband cellular towers, with priority to underserved and unserved locations

From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$20,000,000

SECTION 20.065. – To the Office of Administration

For the Department of Economic Development

For community development and revitalization, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$97,932,320

SECTION 20.070. – To the Office of Administration

For the Department of Economic Development

For grants to political subdivisions, including but not limited to levee districts, for an Industrial Site Development Program, provided that local match be provided in order to be eligible for state funds

For projects one thousand (1,000) or more contiguous acres in size
From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$50,000,000

For projects under one thousand (1,000) contiguous acres in size

From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....25,000,000
Total.....\$75,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 20.071. – To the Office of Administration

For the Department of Economic Development

For distribution to a nonprofit organization for the maintenance, repairs, replacement and improvements to buildings in the downtown area of a city with more than one thousand three hundred but fewer than one thousand five hundred inhabitants and located in a county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants and with a county seat with more than twelve thousand five hundred but fewer than sixteen thousand inhabitants

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463)..... \$500,000

SECTION 20.075. – To the Office of Administration

For the Department of Economic Development

For a Small Business Grant Program

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463)..... \$2,386,948

SECTION 20.085. – To the Office of Administration

For the Department of Economic Development

For a non-profit grant program

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463)..... \$7,500,000

SECTION 20.090. – To the Office of Administration

For the Department of Economic Development

For workforce development

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463)..... \$30,000,000

SECTION 20.095. – To the Office of Administration

For the Department of Economic Development

For state tourism marketing

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463)..... \$4,817,500

For a minimum revenue guarantee program to attract international flights to the state

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)..... 5,000,000

Total \$9,817,500

SECTION 20.100. – To the Office of Administration

For the Department of Economic Development

For local tourism development, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis provided that such funds shall be matched by the recipient or local entity

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463)..... \$30,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 20.101.** – To the Office of Administration
 For the Department of Economic Development
 For the replacement of a bathroom and purchase of a bucket truck in a city with
 more than twenty-three thousand but fewer than twenty-seven thousand
 inhabitants and located in a county with more than one million inhabitants
 From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463)..... \$410,500

*I hereby veto \$410,500 Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund
 for the replacement of a bathroom and purchase of a bucket truck in the City of Hazelwood. This
 is a local responsibility with minimal statewide impact. Other funding mechanisms should be
 pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$410,500 to \$0 from Coronavirus State Fiscal Recovery
 – Health and Economic Impacts Fund.
 From \$410,000 to \$0 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 20.105. – To the Office of Administration
 For the Department of Economic Development
 For grants to entertainment venues
 From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463)..... \$5,000,000

SECTION 20.110. – To the Department of Public Safety
 For the Missouri Veterans' Commission
 For renovations, HVAC upgrades, dietary upgrades, construction and
 replacements at the St. James Veterans' Home
 From General Revenue Fund (0101) \$8,000,000

SECTION 20.111. – To the Department of Public Safety
 For the Missouri Veterans' Commission
 For planning, design, construction, renovations and upgrades at the Cape
 Girardeau Veterans' Home
 From General Revenue Fund (0101) \$12,000,000

SECTION 20.112. – To the Department of Public Safety
 For the planning, design, construction, renovation and upgrades for a courthouse
 and jail located in any county with more than fifteen thousand seven hundred
 but fewer than seventeen thousand six hundred inhabitants and with a county
 seat with more than three thousand but fewer than three thousand six
 hundred inhabitants, provided that local matching funds must be provided
 on a 50/50 state/local basis
 From Budget Stabilization Fund (0522) \$1,500,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 20.113. – To the Department of Public Safety

For the planning, design, construction, renovation, upgrades and property acquisition for a 911 regional building located in any county with more than thirty thousand but fewer than thirty-five thousand inhabitants and with a county seat with more than nine thousand but fewer than thirteen thousand inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis

From Budget Stabilization Fund (0522)\$4,400,000

SECTION 20.115. – To the Office of Administration

For the Department of Public Safety

For compiling, standardizing, and maintaining Geographic Information System (GIS) data in support of the statewide implementation of Next Generation 911 (NG911) and enhancements, provided that local matching funds must be provided on a 90/10 state/local basis

From Budget Stabilization Fund (0522)\$11,000,000

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....18,000,000

Total\$29,000,000

SECTION 20.120. – To the Office of Administration

For the Department of Public Safety

For a sub-system addition to the Missouri Statewide Interoperability Network (MOSWIN), increasing user capacity and portable radio communication coverage throughout Jefferson City, and extending into Cole and Callaway Counties

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$4,000,000

SECTION 20.125. – To the Office of Administration

For the State Emergency Management Agency

For expenses of any state agency responding to COVID-19

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$54,316,472

SECTION 20.135. – To the Office of Administration

For the Department of Public Safety

For the planning, design, construction, and equipping of a crime laboratory as part of a multi-agency laboratory campus including building space, laboratory space, fixtures, equipment, systems furniture, and parking infrastructure

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$104,137,341

SECTION 20.145. – To the Office of Administration

For the Department of Public Safety

For crime labs sexual assault kit testing

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$672,463

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 20.150.** – To the Office of Administration

For the Department of Public Safety

For grants to emergency medical providers, fire protection entities, or public safety officers, provided that the maximum award shall be \$20,000 per recipient and further provided that local matching must be provided on a 50/50 state/local basis

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$10,000,000

For grants to emergency medical providers, fire protection entities, or public safety officers, provided that the maximum award shall be \$20,000 per recipient and further provided that local matching must be provided on a 50/50 state/local basis

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463)..... 20,000,000

Total\$30,000,000

*I hereby veto \$1 Coronavirus State Fiscal Recovery – Health and Economic Impacts Fund for grants to emergency medical providers, fire protection entities, or public safety officers. I also hereby veto the words “provided that the maximum award shall be \$20,000 per recipient and further” that are included within the second subsection of this section. In Fiscal Year 2023, just under \$8.5M was obligated to 553 first responders for these grants due to low interest from potential grantees due to the maximum award amount. This veto will ensure that a greater number of projects are eligible to receive funding, and that a greater number of first responders are served.

From \$20,000,000 to \$19,999,999 from Coronavirus State Fiscal Recovery – Health and Economic Impacts Fund.

From \$30,000,000 to \$29,999,999 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 20.151. – To the Office of Administration

For the Department of Social Services

For grants to local county law enforcement and local county prosecutors in counties with a high percentage of alleged sexual crimes against children

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$1,000,000

SECTION 20.152. – To the Department of Social Services

For a health center that provides medical care, dental care, behavioral health services and OBGYN care located in a county with more than eight thousand but fewer than eight thousand nine hundred inhabitants and with a county seat with more than six hundred but fewer than six hundred seventy inhabitants, provided that no local match be required

From Budget Stabilization Fund (0522).....\$3,500,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 20.153. – To the Department of Social Services

For a nonprofit community-based organization serving a 29 county region in southwest Missouri, which provides HIV testing, wrap-around services to persons with HIV, counseling, testing and education, provided that no local match be required

From General Revenue Fund (0101).....\$5,000,000

SECTION 20.165. – To the Office of Administration

For the Department of Mental Health

For design, renovation, construction, and improvements to become compliant with Americans with Disabilities Act standards in cottages and group homes

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$6,987,195

SECTION 20.170. – To the Office of Administration

For the Department of Mental Health

For design, renovation, construction, and improvements of the Fulton State Hospital Biggs Building

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$15,999,999

SECTION 20.175. – To the Office of Administration

For the Department of Mental Health

For program operations and support

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$553,305

SECTION 20.176. – To the Office of Administration

For Department of Mental Health

For the renovation and accessibility for housing and care for HIV/AIDS patients in a city not within a county, provided that local matching must be provided on a 50/50 state/local basis

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$757,180

SECTION 20.180. – To the Office of Administration

For the Department of Mental Health

For adult community programs

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$950,250

SECTION 20.185. – To the Office of Administration

For the Department of Mental Health

For grants to federally qualified health centers, certified community behavioral health organizations, and community mental health centers, provided that any grant awards disbursed from this appropriation shall be matched on a 60/40 state/local basis for projects under five million dollars (\$5,000,000)

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

and on a 50/50 basis by the recipient for projects over five million dollars
 (\$5,000,000) and
 From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$123,043,599

SECTION 20.187. – To the Office of Administration

For the Department of Mental Health

For grants to a federally qualified health center founded in 1972, improving the
 health and quality of life for all residents in any city not within a county, for
 repair and renovation, provided that local match be provided in order to be
 eligible for state funds

From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$500,000

SECTION 20.188. – To the Office of Administration

For the Department of Health and Senior Services

For capital improvement projects at a hospital located in a city with more than nine
 thousand but fewer than ten thousand inhabitants and that is the county seat of
 a county with more than nineteen thousand but fewer than twenty-two
 thousand inhabitants, provided that any grant awards disbursed from this
 appropriation shall be matched on a 50/50 basis by the recipient or local entity

From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$1,000,000

SECTION 20.195. – To the Office of Administration

For the Department of Health and Senior Services

For reimbursements to Residential Care Facilities and Assisted Living Facilities
 for expenses due to the impact of COVID-19

From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$7,591,555

SECTION 20.196. – To the Office of Administration

For the Department of Health and Senior Services

For aid to local public health agencies

From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$1,534,667

SECTION 20.205. – To the Office of Administration

For the Department of Social Services

For providers of Medicaid services in rural counties for the purchase of
 necessary equipment and training for the purpose of increasing access to
 telehealth services for MO HealthNet participants

From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$8,363,105

SECTION 20.210. – To the Office of Administration

For the Department of Social Services

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

For design, bidding, and construction of a new youth treatment facility to provide day treatment services for youth
 From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$5,953,333

SECTION 20.211. – To the Office of Administration

For the Department of Health and Senior Services

For the purpose of asbestos abatement and cleanup at a building formerly used as a school located in any county with more than twelve thousand five hundred but fewer than fourteen thousand inhabitants and with a county seat with more than five thousand but fewer than six thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$500,000

SECTION 20.212. – To the Office of Administration

For the Department of Health and Senior Services

For the planning, design, maintenance, or construction of an emergency medical services helipad and ambulance base for a hospital in any county with more than forty thousand but fewer than fifty thousand inhabitants and with a county seat with more than eighteen thousand but fewer than twenty-one thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$4,000,000

SECTION 20.213. – To the Office of Administration

For the Department of Health and Senior Services

For the purpose of an early childcare fusion between a Federally Qualified Health Center (FQHC) located in any city with more than fourteen thousand but fewer than sixteen thousand inhabitants and that is the county seat of a county with more than thirty-five thousand but fewer than forty thousand inhabitants and a school district located in any city with more than fourteen thousand but fewer than sixteen thousand inhabitants and that is the county seat of a county with more than thirty-five thousand but fewer than forty thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Health and Economic
 Impacts Fund (2463).....\$5,000,000

SECTION 20.214. – To the Office of Administration

For the Department of Health and Senior Services

For completion of a surgical center in a hospital located in any county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants and with a county seat with more than one thousand nine hundred but fewer than two thousand three hundred inhabitants, provided that local match be provided in order to be eligible for state funds

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

From Coronavirus State Fiscal Recovery - Health and Economic
Impacts Fund (2463).....\$1,000,000

SECTION 20.215. – To the Office of Administration
For the Department of Higher Education and Workforce Development
To Missouri State University - West Plains
For completion and operational costs of an autism center
From Coronavirus State Fiscal Recovery - Health and Economic
Impacts Fund (2463).....\$7,500,000

SECTION 20.216. – To the Office of Administration
For the Department of Higher Education and Workforce Development
To the University of Missouri
For construction and sitework of a center for autism and neurodevelopmental disorders that provides clinical services, research, and training, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis by the recipient for project costs up to sixty million (\$60,000,000); and further provided project costs over sixty million (\$60,000,000) shall be matched on a 25/75 basis by the recipient
From Coronavirus State Fiscal Recovery - Health and Economic
Impacts Fund (2463).....\$31,500,000

SECTION 20.217. – To the Office of Administration
For the Department of Mental Health
For repair and renovation of an organization that provides transitional living and supportive housing for individuals in recovery from alcohol and drugs, located in any county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than seventeen thousand but fewer than twenty-one thousand inhabitants, provided that local match be provided in order to be eligible for state funds
From Coronavirus State Fiscal Recovery - Health and Economic
Impacts Fund (2463).....\$401,320

SECTION 20.218. – To the Office of Administration
For the Department of Elementary and Secondary Education
For Cape Girardeau Career and Technology Center, for equipment and structural improvements, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis provided that such funds shall be matched by the recipient
From Coronavirus State Fiscal Recovery - Revenue Replacement
Fund (2464).....\$3,000,000

SECTION 20.219. – To the Department of Elementary and Secondary Education
For an organization domiciled in any city with more than forty thousand but fewer than fifty-one thousand inhabitants and partially located in a county with more than seventy thousand but fewer than eighty thousand inhabitants, that provides year-round sports training and athletic competition for children

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

and adults with intellectual and developmental disabilities, to support the ongoing mission of building confidence and better the lives of those with intellectual and developmental disabilities, provided that no local match be required

From General Revenue Fund (0101) \$500,000

***SECTION 20.220.** – To the Department of Elementary and Secondary Education

For a public school district located in any census designated place with more than twenty thousand but fewer than twenty-three thousand inhabitants and located in a county with more than one million inhabitants, that has four schools and approximately 2,504 students, for exterior handicap improvements, provided that no local match be required

From General Revenue Fund (0101) \$500,000

*I hereby veto \$500,000 general revenue for exterior handicap improvements in the Affton Public School District. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.
From \$500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 20.221.** – To the Department of Elementary and Secondary Education

For one of the oldest public school districts located in any county with more than one million inhabitants, named for Union General Winfield Scott Hancock, which enrolls approximately 1,600 students, for exterior handicap improvements, provided that no local match be required

From General Revenue Fund (0101) \$250,000

*I hereby veto \$250,000 general revenue for exterior handicap improvements in the Hancock Place School District. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$250,000 to \$0 from General Revenue Fund.
From \$250,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 20.222.** – To the Department of Elementary and Secondary Education

For the construction and/or renovation of an early childhood enrichment center located in any city with more than one hundred twenty-five thousand but fewer than one hundred sixty thousand inhabitants, pursuant to state licensure including related planning, design, project management, equipment, and start-up costs, provided that no local match be required

From General Revenue Fund (0101) \$1,500,000

*I hereby veto \$750,000 general revenue for the construction and/or renovation of an early childhood enrichment center. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, while I am supportive of investments to increase access to quality and affordable childcare for Missourian's, these investments are not the full responsibility of the state. More must be done to support increased partnerships between communities, employers, and childcare providers.

From \$1,500,000 to \$750,000 from General Revenue Fund.
From \$1,500,000 to \$750,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 20.223. – To the Department of Elementary and Secondary Education

For pre-kindergarten education program grants to local education agencies to serve students, or contract to serve students, in the year prior to kindergarten eligibility in a program consistent with Section 161.213, RSMo, with reimbursements not to exceed the product of the state adequacy target and the dollar value modifier per each average daily attendance as defined in Section 163.011, RSMo, with priority given to students at or below 185% of the federal poverty level

From General Revenue Fund (0101) \$55,830,843

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 20.300. – To the Office of Administration

For the Department of Transportation

For investments in waste water improvements, including costs related to the connection of statewide facilities to municipal sewer systems

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$8,505,000

SECTION 20.310. – To the Office of Administration

For the Department of Agriculture

For a covered arena and stormwater projects at the Missouri State Fairgrounds

Expense and Equipment

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$32,343,852

SECTION 20.311. – To the Office of Administration

For the Department of Agriculture

For competitive grants to innovative projects that promote agriculture in urban/suburban communities

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$50,000

SECTION 20.313. – To the Department of Agriculture

For the construction of a new comfort station, and other improvements as necessary around the comfort station located at the Director's Pavilion at the Missouri State Fair

From Budget Stabilization Fund (0522).....\$118,660

SECTION 20.314. – To the Department of Agriculture

For planning, design, construction, renovation, and land acquisition for a new maintenance building at the Missouri State Fair

From Budget Stabilization Fund (0522).....\$4,593,423

SECTION 20.315. – To the Department of Agriculture

For planning, design, construction, renovation, and land acquisition for an arena at the Missouri State Fair

From Budget Stabilization Fund (0522).....\$25,000,000

***SECTION 20.316.** – To the Department of Agriculture

For planning, design, site preparation, excavation, construction, renovation, and land acquisition for the equine building at the Missouri State Fair

From Budget Stabilization Fund (0522).....\$5,000,000

*I hereby veto \$5,000,000 Budget Stabilization Fund for an equine building at the Missouri State Fair. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, nearly \$55 million has been appropriated for a new State Fair Arena. This building would coincide with the new State Fair Arena, which is not anticipated to be completed in Fiscal Year 2024.

Said section is vetoed in its entirety from \$5,000,000 to \$0 from Budget Stabilization Fund.
From \$5,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 20.317. – To the Department of Agriculture

For planning, design, construction, maintenance, repair, expansions and improvements for a nonprofit association incorporated in 1973 that is committed to serving the educational and agricultural needs of the community through events, located in any county with more than eight thousand but fewer than eight thousand nine hundred inhabitants and with a county seat with more than three hundred but fewer than six hundred inhabitants, provided that no local match be required

From General Revenue Fund (0101) \$500,000

SECTION 20.318. – To the Department of Agriculture

For planning, design, construction, maintenance, repair, and capital improvements to support the agri-tourism of the fairgrounds in any county with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, provided that no local match be required

From General Revenue Fund (0101) \$2,500,000

SECTION 20.325. – To the Office of Administration

For the Department of Natural Resources

For water infrastructure grants and lead service-line inventories, provided that local match be provided in order to be eligible for state funds

Personal Service..... \$376,306

Expense and Equipment..... 411,193,222

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund

(2462) (Not to exceed 11.00 F.T.E)\$411,569,528

SECTION 20.326. – To the Office of Administration

For the Department of Natural Resources

For the testing, filtration, and remediation of lead in drinking water sources within buildings housing early childhood, elementary, and secondary education programs which receive state funding

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$27,000,000

SECTION 20.330. – To the Office of Administration

For the Department of Natural Resources

For state park and historic site water and wastewater improvements

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment
 From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$40,897,066

SECTION 20.335. – To the Office of Administration

For the Department of Natural Resources

For the Missouri Hydrology Information Center

Personal Service.....\$776,234

Expense and Equipment.....9,661,564

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462)

(Not to exceed 4.00 F.T.E.).....\$10,437,798

SECTION 20.336. – To the Office of Administration

For the Department of Natural Resources

For maintenance, repair, and capital improvements for sewer updates for a nursing facility located in any county with more than six thousand but fewer than seven thousand inhabitants and with a county seat with more than four hundred but fewer than one thousand inhabitants

From General Revenue Fund (0101).....\$1,200,000

SECTION 20.360. – To the Office of Administration

For the Department of Conservation

For levee setback and road relocation at Columbia Bottom Conservation Area

From Conservation Commission Fund (0609)\$12,000,000

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462)....15,000,000

Total.....\$27,000,000

SECTION 20.361. – To the Office of Administration

For the Department of Natural Resources

For water infrastructure projects in a city with more than forty-six thousand but fewer than fifty-one thousand inhabitants, provided that local matching funds must be provided on a 70/30 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$2,000,000

SECTION 20.362. – To the Office of Administration

For the Department of Natural Resources

For water infrastructure projects in a city with more than fourteen thousand but fewer than sixteen thousand inhabitants and that is the county seat of a county with more than one hundred twenty thousand but fewer than one hundred fifty thousand inhabitants, provided that local matching funds must be provided on a 70/30 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$2,000,000

SECTION 20.363. – To the Office of Administration

For the Department of Natural Resources

For water infrastructure projects in a city with more than fifty-one thousand but fewer than fifty-eight thousand inhabitants and located in more than one

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

county, provided that local matching funds must be provided on a 70/30 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$5,000,000

SECTION 20.364. – To the Office of Administration

For the Department of Natural Resources

For water and wastewater infrastructure projects in any city with more than eighteen thousand but fewer than twenty thousand inhabitants and that is the county seat of a county with more than forty thousand but fewer than fifty thousand inhabitants, provided that local matching funds must be provided on a 70/30 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$2,000,000

SECTION 20.370. – To the Office of Administration

For the Department of Economic Development

For broadband infrastructure

From Coronavirus State Fiscal Recovery - Broadband Fund (2465).....\$53,262,456

From Coronavirus Capital Projects Fund (2431).....196,737,544

Total.....\$250,000,000

SECTION 20.371. – To the Office of Administration

For the Department of Economic Development

For reimbursement to broadband providers, for certain costs incurred for state broadband projects to remove, install, or replace utility poles, where such costs are necessary to extend the provider's retail broadband services offering speeds of 100/100 Mbps to an area currently lacking broadband speeds of 25/3 Mbps, excluding providers that have a pre-existing and enforceable federal or state funding commitment for the same location, provided fifty percent (50%) flexibility is allowed from this section to Section 20.370

From Coronavirus State Fiscal Recovery - Broadband Fund (2465).....\$15,000,000

SECTION 20.375. – To the Office of Administration

For the Department of Economic Development

For broadband capacity building

Personal Service.....\$1,799,279

Expense and Equipment.....7,432,417

From Coronavirus State Fiscal Recovery - Broadband Fund (2465)

(Not to exceed 13.00 F.T.E.).....\$9,231,696

***SECTION 20.376.** – To the Department of Economic Development

For an entertainment district working towards stimulating the growth, community spirit and entertainment of the district located in any city with more than four hundred thousand inhabitants and located in more than one county, while promoting the historic character, provided that no local match be required

From General Revenue Fund (0101)\$1,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$1,000,000 general revenue for an entertainment district working towards stimulating the growth, community spirit and entertainment of the district while promoting the historic character in Kansas City. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$1,000,000 to \$0 from General Revenue Fund.
From \$1,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 20.377.** – To the Department of Economic Development

For an educational dinosaur museum located in any city with more than twelve thousand five hundred but fewer than fourteen thousand inhabitants and located in a county with more than fifty thousand but fewer than sixty thousand inhabitants and with a county seat with more than one thousand but fewer than four thousand inhabitants, provided that no local match be required

From General Revenue Fund (0101) \$500,000

*I hereby veto \$500,000 general revenue for an educational dinosaur museum in the City of Branson. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.
From \$500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 20.390. – To the Office of Administration

For the Department of Public Safety and the Department of the National Guard

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For planning, design, construction and capital improvements to replace water and sanitation lines, connections to municipal wastewater treatment facilities, and establishing water and wastewater service
 From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$5,312,270

SECTION 20.400. – To the Office of Administration

For the Department of Corrections

For planning, design, construction, maintenance, repair, and capital improvements for the installation of additional broadband capacity within state correctional centers

From Coronavirus State Fiscal Recovery - Broadband Fund (2465).....\$6,221,625

SECTION 20.405. – To the Office of Administration

For the Department of Corrections

For planning, design, construction, maintenance, repair, and capital improvements for water storage, water delivery, waste water systems, and storm water systems at facilities statewide

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$13,278,646

SECTION 20.500. – To the Office of Administration

For the Department of Elementary and Secondary Education

For distributions to providers of vocational education programs, provided that twenty-five percent (25%) local matching funds be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$19,779,444

SECTION 20.505. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For agriculture innovation and workforce program grants to higher education institutions

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$10,000,000

SECTION 20.510. – To the Office of Administration

For digital government transformation of the State of Missouri information technology systems, provided that not more than twenty-five percent (25%) flexibility in F.T.E. is allowed from this section to Section 5.030 of House Bill No. 5, as truly agreed to and finally passed by the 102nd General Assembly

Personal Service.....\$12,449,405

Expense and Equipment.....104,435,497

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)
 (Not to exceed 61.00 F.T.E.).....\$116,884,902

SECTION 20.515. – To the Office of Administration

For the purposes of optimizing call centers

From General Revenue Fund (0101)\$3,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 20.520. – To the Office of Administration

For the Department of Agriculture

For the purpose of replacing the Missouri Department of Agriculture's Grain

Regulatory Services licensing system

Personal Service.....\$100,000

Expense and Equipment.....911,870

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)

(Not to exceed 5.50 F.T.E.).....\$1,011,870

SECTION 20.525. – To the Office of Administration

For the Department of Social Services

For the purpose of modernizing the Missouri Department of Social Services'

Missouri Automated Child Support System

Personal Service.....\$2,212,854

Expense and Equipment.....24,674,740

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)

(Not to exceed 12.50 F.T.E.).....\$26,887,594

SECTION 20.560. – To the Office of Administration

For the Department of Public Safety

For build-out of the Public Safety Broadband Network (PSBN) in Jefferson City

to increase wireless broadband coverage and capacity in and around the

buildings of the Capitol Complex

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$12,326,602

SECTION 20.570. – To the Office of Administration

For the Department of Public Safety

For an additional zone controller in order to reduce load and increase capacity of

the Missouri Statewide Interoperability Network (MOSWIN)

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$3,045,530

SECTION 20.572. – To the Office of Administration

For the Department of Public Safety

For funding of training on proper use-of-force, de-escalation, and constitutional

policing provided by a basic training center or a continuing law enforcement

education training provider licensed by the Director of Public Safety. Such

training shall be made available to all Missouri law enforcement officers

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$1,000,000

***SECTION 20.573.** – To the Office of Administration

For the Department of Public Safety

For the planning, design, maintenance, and construction of a regional training

facility for law enforcement in a county with more than one hundred fifty

thousand but fewer than two hundred thousand inhabitants

From General Revenue Fund (0101).....\$6,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$2,000,000 general revenue for the planning, design, maintenance, and construction of a regional training facility for law enforcement in Boone County. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly.

From \$6,000,000 to \$4,000,000 from General Revenue Fund.
From \$6,000,000 to \$4,000,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 20.575.** – To the Office of Administration

For the Department of Public Safety

For purchase of a crash truck for an airport in a city with more than forty thousand but fewer than fifty-one thousand inhabitants and partially located in a county with more than seventy thousand but fewer than eighty thousand inhabitants

From Budget Stabilization Fund (0522) \$1,000,000

*I hereby veto \$500,000 Budget Stabilization Fund for purchase of a crash truck for an airport in Jefferson City. The Fiscal Year 2024 budget that was passed by the Missouri General Assembly totals \$53.5 billion, over \$1.7 billion more than my recommended budget. Additionally, the Missouri General Assembly passed legislation which is estimated to result in a loss of ongoing general revenues exceeding \$300 million and increasing ongoing general revenue expenditures by over \$200 million. In addition, Missouri has consistently maintained a AAA bond rating and we will ensure a balanced budget for years to come. In light of all of these factors, I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my Administration and the current General Assembly. Further, this appropriation is being reduced to allow for a local match contribution.

From \$1,000,000 to \$500,000 from Budget Stabilization Fund.
From \$1,000,000 to \$500,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 20.576. – To the Department of the National Guard

For planning, design, and construction of an AVCRAD aircraft maintenance hangar addition at AVCRAD Base in any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants, provided that no local match be required

From Adjutant General Federal Fund (0190) \$3,800,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 20.580. – To the Office of Administration

For the Department of Corrections

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, and improvements to institutional security cameras, camera systems, and associated hardware and software

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$11,683,519

SECTION 20.585. – To the Office of Administration

For the Department of Corrections

For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, and improvements to institutional radios, radio systems, and associated hardware and software

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$4,652,237

SECTION 20.600. – To the Office of Administration

For the Department of Mental Health

To procure and implement a multi-year, vendor-hosted, integrated commercial off the shelf electronic health record system for use in all of the department's hospitals and facilities

From Budget Stabilization Fund (0522).....\$15,000,000

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....16,000,000

Total\$31,000,000

SECTION 20.601. – To the Department of Mental Health

For the Division of Behavioral Health

For the construction of four new Behavioral Health Crisis Centers in areas of need as determined by the Department of Mental Health

From General Revenue Fund (0101)\$10,000,000

SECTION 20.602. – To the Department of Mental Health

For the Division of Behavioral Health

For the development, start-up, and furnishing costs for residential alternatives for the complex, high-need mentally ill/intellectually disabled population

From General Revenue Fund (0101)\$10,000,000

SECTION 20.610. – To the Office of Administration

For the Department of Health and Senior Services

For the design and construction of a multi-agency One Health Laboratory Campus, including additional building space, laboratory space, fixtures, equipment, systems furniture, and parking infrastructure

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$77,946,766

SECTION 20.625. – To the Office of Administration

For the Department of Social Services

For the development of a case management system

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$6,878,800

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Section 20.630. – To the Office of Administration

For the Department of Social Services

For grants to organizations for services and programs to assist victims of crime,
provided that such funds shall be awarded through a competitive grant
process

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$24,000,000

SECTION 20.640. – To the Office of Administration

For the Department of Economic Development

For capital improvement projects at a non-profit science center located in a city
with more than one hundred sixty thousand but fewer than two hundred
thousand inhabitants, provided that any grant awards disbursed from this
appropriation shall be matched on a 50/50 basis by the recipient or local
entity

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$500,000

SECTION 20.641. – To the Office of Administration

For the Department of Social Services

For capital improvement projects at a youth facility located in a county with
more than eighty thousand but fewer than one hundred thousand inhabitants
and with a county seat with more than twenty thousand but fewer than
twenty-five thousand inhabitants, provided that any grant awards disbursed
from this appropriation shall be matched on a 50/50 basis by the recipient or
local entity

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$500,000

SECTION 20.643. – To the Office of Administration

For the Department of Public Safety

For capital improvement projects at a justice center located in a city with more
than fifty-one thousand but fewer than fifty-eight thousand inhabitants and
located in more than one county, provided that any grant awards disbursed
from this appropriation shall be matched on a 50/50 basis by the recipient or
local entity

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$1,000,000

***SECTION 20.644.** – To the Office of Administration

For the Department of Transportation

For the construction, including labor, materials and right of way, of ADA
sidewalks on the east side of 500-800 blocks of Meramec Station Road in
St. Louis County

From Coronavirus State Fiscal Recovery - Health and Economic
Impacts Fund (2463).....\$400,000

*I hereby veto \$400,000 Coronavirus State Fiscal Recovery – Health and Economic Impacts Fund
for construction of sidewalks on Meramec Station Road in St. Louis County. This is a local
responsibility with minimal statewide impact. Other funding mechanisms should be pursued in
lieu of earmarked state funding for this project.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Said section is vetoed in its entirety from \$400,000 to \$0 from Coronavirus State Fiscal Recovery – Health and Economic Impacts Fund.
From \$400,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 20.645. – To the Office of Administration

For the Department of Transportation

For capital improvement projects at an airport located in a county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants and with a county seat with more than two thousand three hundred but fewer than four thousand inhabitants, provided that any grant awards disbursed from this appropriation shall be matched on a 90/10 basis by the recipient or local entity

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$1,000,000

SECTION 20.646. – To the Office of Administration

For the Department of Natural Resources

For capital improvement projects for a nonprofit organization dedicated to collecting and preserving history, including the preservation of an historic courthouse in any county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants and with a county seat with more than five hundred but fewer than nine hundred inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$81,971

SECTION 20.648. – To the Office of Administration

To the Department of Natural Resources

For planning, design, construction, maintenance, repair, and capital improvements for water storage, water delivery, waste water systems and storm water systems located in any city with more than four thousand four hundred but fewer than four thousand nine hundred inhabitants and located in a county with more than fourteen thousand but fewer than fifteen thousand seven hundred inhabitants and with a county seat with more than three thousand but fewer than four thousand five hundred fifty inhabitants, provided that no local match be required

From Budget Stabilization Fund (0522).....\$10,000,000

SECTION 20.650. – To the Office of Administration

For the Supreme Court

For funding court improvement projects

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$5,000,000

SECTION 20.700. – To the Office of Administration

For the Department of Higher Education and Workforce Development

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For Crowder College for a training center including related planning, design, acquisitions, project management, equipment, and start-up costs
 From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$3,000,000

SECTION 20.705. – To the Office of Administration

For the Department of Higher Education and Workforce Development
 For East Central College for the construction and/or renovation needs for a Rolla Campus including related planning, design, acquisitions, project management, equipment and start-up costs
 From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$9,750,000

SECTION 20.710. – To the Office of Administration

For the Department of Higher Education and Workforce Development
 For Jefferson College for the construction and/or renovation needs for the Arnold Campus including related planning, design, acquisitions, project management, equipment, and start-up costs
 From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$2,731,898

SECTION 20.715. – To the Office of Administration

For the Department of Higher Education and Workforce Development
 For Metropolitan Community College for the construction and/or renovation needs for district wide workforce programming including related planning, design, acquisitions, project management, equipment, and start-up costs
 From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$15,000,000

SECTION 20.720. – To the Office of Administration

For the Department of Higher Education and Workforce Development
 For Mineral Area College for the construction and/or renovation needs for a Center for Excellence including related planning, design, acquisitions, project management, equipment, and start-up costs
 From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$7,500,000

SECTION 20.725. – To the Office of Administration

For the Department of Higher Education and Workforce Development
 For Moberly Area Community College for a Next Century Networking project across the five campus system to include the construction and/or renovation needs for the network including related planning, design, acquisitions, project management, equipment, and start-up costs
 From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$2,233,722

SECTION 20.730. – To the Office of Administration

For the Department of Higher Education and Workforce Development

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

For North Central Missouri College for the construction and/or renovation needs for a student center including related planning, design, acquisitions, project management, equipment, and start-up costs
 From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$1,750,000

SECTION 20.735. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For Ozarks Technical Community College for the construction and/or renovation needs for an airframe and power plant maintenance center for excellence including related planning, design, acquisitions, project management, equipment, and start-up costs, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis by the recipient for project costs up to sixty million (\$60,000,000); and further provided project costs over sixty million (\$60,000,000) shall be matched on a 25/75 basis by the recipient

From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$5,000,000

SECTION 20.736. – To the Department of Higher Education and Workforce Development

For Ozark Technical Community College

For the construction and/or renovation needs for a Center for Workforce and Student Success, including related planning, design, acquisitions, project management, equipment, and start-up costs

From General Revenue Fund (0101)\$11,500,000

SECTION 20.740. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For St. Charles Community College for the construction and/or renovation needs for a workforce technical innovation and transformation campus including related planning, design, acquisitions, project management, equipment, and start-up costs

From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463)\$27,000,000

SECTION 20.745. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For St. Louis Community College for the construction and/or renovation needs for a health sciences center at the Florissant Valley Campus including related planning, design, acquisitions, project management, equipment, and start-up costs, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis by the recipient for project costs up to sixty million (\$60,000,000); and further provided project costs over sixty million (\$60,000,000) shall be matched on a 25/75 basis by the recipient

From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$20,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 20.746. – To the Department of Higher Education and Workforce Development

For St. Louis Community College

For construction and/or renovation needs for education and workforce training programs for the Wildwood Campus expansion, including related planning, design, acquisitions, project management, equipment, and start-up costs

From General Revenue Fund (0101)\$21,000,000

SECTION 20.750. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For State Fair Community College for the construction and/or renovation needs for a center for advanced agriculture and transportation technology including related planning, design, acquisitions, project management, equipment, and start-up costs

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$7,500,000

SECTION 20.755. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For Three Rivers College for the acquisition and improvement of land and construction and/or renovation needs for technical education expansions including related planning, design, acquisitions, project management, equipment, and start-up costs

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$1,500,000

SECTION 20.760. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For State Technical College of Missouri for the construction and/or renovation needs for multiple technical programs for overall student capacity expansions including related planning, design, acquisitions, project management, equipment, and start-up costs

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$30,000,000

SECTION 20.765. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For University of Central Missouri for the deferred maintenance, construction and/or renovation needs for the Humphreys Building including related planning, design, acquisitions, project management, equipment, and start-up costs

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$29,850,000

SECTION 20.770. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For Southeast Missouri State University for the demolition, construction, and/or renovation needs for a dual role, multi-use, multi-facility comprehensive

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

development including related planning, design, acquisitions, project management, fixtures, equipment, systems furniture, and start-up costs, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis by the recipient for project costs up to sixty million (\$60,000,000); and further provided project costs over sixty million (\$60,000,000) shall be matched on a 25/75 basis by the recipient
 From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$11,000,000

SECTION 20.771. – To the Department of Higher Education and Workforce Development

For Southeast Missouri State University

For the demolition, construction, and/or renovation needs for a dual-role, multi-use, multi-facility comprehensive development, including related planning, design, acquisitions, project management, fixtures, equipment, systems furniture, and start-up costs for a Modern Campus Health Sciences Building

From General Revenue Fund (0101)\$18,500,000

SECTION 20.775. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For Missouri State University for the construction and/or renovation needs for a Center for Transformational Education for Life, Physical, and Health Sciences including related planning, design, acquisitions, project management, equipment, and start-up costs, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis by the recipient

From General Revenue Fund (0101)\$17,500,000

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463)..... 30,000,000

Total\$47,500,000

SECTION 20.780. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For Lincoln University for the construction and/or renovation needs for health sciences and crisis center including related planning, design, acquisitions, project management, equipment, and start-up costs

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$30,000,000

SECTION 20.785. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For Truman State University for the demolition of McKinney Center and the construction and/or renovation needs for the Kirk Student Access and Success Center including related planning, design, acquisitions, project management, equipment, and start-up costs

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$15,767,500

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 20.790. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For Northwest Missouri State University for the construction and/or renovation needs for Martindale Hall and related health and allied sciences education program expansions and campus renovations including related planning, design, acquisitions, project management, equipment, and start-up costs, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis by the recipient for project costs up to sixty million (\$60,000,000); and further provided project costs over sixty million (\$60,000,000) shall be matched on a 25/75 basis by the recipient

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$8,500,000

SECTION 20.791. – To the Department of Higher Education and Workforce Development

For Northwest Missouri State University

For the construction and/or renovation needs for an Energy Infrastructure Modernization project including related planning, design, acquisitions, project management, equipment, and start-up costs

From General Revenue Fund (0101)\$25,000,000

SECTION 20.795. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For Missouri Southern State University for the construction and/or renovation needs for the Health Science Innovation Center including related planning, design, acquisitions, project management, equipment, and start-up costs

From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$22,500,000

SECTION 20.800. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For Missouri Western State University and North Central Missouri College collaborative efforts for the construction and/or renovation needs for the Convergent Technology Alliance Center (C-TAC) including related planning, design, acquisitions, project management, equipment, and start-up costs

From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$7,500,000

SECTION 20.805. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For Harris-Stowe State University for the construction and/or renovation needs for a STEM Academic Building including related planning, design, acquisitions, project management, equipment, and start-up costs

From Coronavirus State Fiscal Recovery - Health and Economic Impacts Fund (2463).....\$23,250,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 20.815. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For the University of Missouri-Columbia for construction, renovation, and maintenance and repair needs for NextGen Radiopharmaceuticals, Animal Science, Healthcare, Engineering, Student Success and directly related academic assets and infrastructure including related planning, design, demolition, acquisitions, project management, equipment, and start-up costs

From General Revenue Fund (0101)\$52,250,000

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463)..... 104,500,000

Total.....\$156,750,000

SECTION 20.816. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For the University of Missouri for maintenance, repair, and capital improvements of the TE "Jake" Fisher Delta Research Center located in any county with more than fourteen thousand but fewer than fifteen thousand seven hundred inhabitants and with a county seat with more than five thousand five hundred but fewer than eight thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$1,000,000

SECTION 20.820. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For Missouri University of Science and Technology for the construction and/or renovation needs for Missouri Protoplex including related planning, design, acquisitions, project management, equipment and start-up costs, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis by the recipient for project costs up to sixty million (\$60,000,000); and further provided project costs over sixty million (\$60,000,000) shall be matched on a 25/75 basis by the recipient

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$41,250,000

SECTION 20.821. – To the Department of Higher Education and Workforce Development

For the University of Missouri for the construction and/or renovation of an Advancing Missouri's STEM Education and Workforce Development, including related planning, design, acquisitions, project management, equipment, and start-up costs located at the Missouri University of Science and Technology

From General Revenue Fund (0101)\$25,000,000

SECTION 20.825. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For the University of Missouri-Kansas City for the construction and/or renovation needs for a Health Sciences District Development including

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

related planning, design, acquisitions, project management, equipment and start-up costs	
From General Revenue Fund (0101)	\$20,000,000
From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....	<u>40,000,000</u>
Total.....	\$60,000,000

SECTION 20.830. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For the University of Missouri-St. Louis for the demolition, construction and/or renovation needs for a Campus of the Future through a multi-facility comprehensive effort including related planning, design, acquisitions, project management, equipment and start-up costs

From General Revenue Fund (0101)	\$20,000,000
From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....	<u>40,000,000</u>
Total.....	\$60,000,000

SECTION 20.832. – To the Office of Administration

For the Department of Agriculture

For grants and contracts for utility and rail infrastructure construction and enhancements to support the construction or operation of an agricultural, value-added processing facility in a county with more than fourteen thousand but fewer than fifteen thousand seven hundred inhabitants and with a county seat with more than five thousand five hundred but fewer than eight thousand inhabitants or in any county with more than fifteen thousand seven hundred but fewer than seventeen thousand six hundred inhabitants and with a county seat with more than two thousand but fewer than three thousand inhabitants, provided that any electrical utility infrastructure construction or enhancement for such facility shall only be undertaken by a rural electric cooperative organized or operating under the provisions of and such cooperative may be reimbursed for expenses incurred in furtherance of such project, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....	\$4,000,000
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SECTION 20.833. – To the Office of Administration

For the Department of Public Safety

For providing a matching grant to a county with more than one million inhabitants to establish a regional intelligence and information center, a property control facility, and a training facility and range for law enforcement, provided that any grant award disbursed from this appropriation shall be matched on a 50/50 basis provided that such funds shall be matched by the recipient or local entity

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....	\$23,000,000
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SECTION 20.834. – To the Office of Administration

For the Department of Agriculture

For the Agriculture Business Development Division

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Agriculture and Small Business Development Authority, for biofuel infrastructure projects
 From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$3,994,652

SECTION 20.835. – To the Office of Administration

For the Department of Transportation

For improvements at a historic train station located in a city with more than twenty-seven thousand but fewer than thirty thousand inhabitants and located in a county with more than one million inhabitants, provided that local match be provided in order to be eligible for state funds
 From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$2,500,000

SECTION 20.836. – To the Office of Administration

For the Department of Elementary and Secondary Education

For the construction of a new building to provide advanced workforce development for a school district located in any city with more than four thousand four hundred but fewer than four thousand nine hundred inhabitants and located in a county with more than one hundred thousand but fewer than one hundred twenty thousand inhabitants and with a county seat with more than four thousand but fewer than six thousand inhabitants for a technical school, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis provided that such funds shall be matched by the recipient or local entity
 From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$30,000,000

SECTION 20.840. – To the Office of Administration

For the Department of Public Safety

For the construction of a building that will provide a regional training facility for law enforcement and fire department personnel, located in any city with more than three thousand but fewer than three thousand four hundred inhabitants and located in a county with more than fifteen thousand seven hundred but fewer than seventeen thousand six hundred inhabitants and with a county seat with more than three thousand but fewer than three thousand six hundred inhabitants, provided no local match be required
 From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$3,000,000

SECTION 20.841. – To the Office of Administration

For the Department of Transportation

For airport repairs and improvements, located in any city with more than three thousand but fewer than three thousand four hundred inhabitants and located in a county with more than fifteen thousand seven hundred but fewer than seventeen thousand six hundred inhabitants and with a county seat with more than three thousand but fewer than three thousand six hundred inhabitants, provided that local match be provided in order to be eligible for state funds
 From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$686,500

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 20.843. – To the Office of Administration

For the Lieutenant Governor

For the planning, design, maintenance, or construction for a library located in any city with more than six thousand three hundred but fewer than seven thousand inhabitants and located in a county with more than two hundred thousand but fewer than two hundred thirty thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$400,000

SECTION 20.844. – To the Office of Administration

For the Department of Economic Development

For a local government for the clean-up and preparation for development for a site comprising over one hundred and forty (140) acres which has been abandoned for at least ten years in a county with more than one million inhabitants, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis provided that such funds shall be matched by the recipient or local entity

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$5,994,230

SECTION 20.846. – To the Department of Economic Development

For a nonprofit organization located in any county with more than eight thousand but fewer than eight thousand nine hundred inhabitants and with a county seat with more than three hundred but fewer than six hundred inhabitants that teaches discipline and team work while striving for excellence to youth, for the planning, design, acquisition, and construction of a sports facility, provided that no local match be required

From General Revenue Fund (0101)\$4,000,000

***SECTION 20.847.** – To the Office of Administration

For the Department of Higher Education and Workforce Development

For the University of Missouri

For equipment and facilities for the Missouri Foundation Seed program, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$6,500,000

*I hereby veto \$3,260,000 Coronavirus State Fiscal Recovery – Revenue Replacement Fund for the Missouri Foundation Seed program. The Fiscal Year 2023 budget includes \$3.24 million for this project, which has not yet been fully expended.

From \$6,500,000 to \$3,240,000 Coronavirus State Fiscal Recovery – Revenue Replacement Fund.

From \$6,500,000 to \$3,240,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 20.848. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For the planning, design, maintenance, or construction of an agency that connects job seekers to training programs and employment, helping employers diversify their workforce, and assisting youth with career skills located in any county with more than one million inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$4,000,000

SECTION 20.849. – To the Office of Administration

For the Department of Transportation

For the planning, design, maintenance, or construction of an Amtrak Station located in any city with more than three thousand four hundred but fewer than three thousand eight hundred inhabitants and located in a county with more than eight thousand but fewer than eight thousand nine hundred inhabitants and with a county seat with more than three thousand three hundred but fewer than five thousand inhabitants, provided no local match be required

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$1,000,000

SECTION 20.851. – To the Office of Administration

For planning, design, and construction, for a non-profit organization dedicated to preserving and cultivating Southwest Missouri's rich agricultural heritage by supporting youth in agriculture located in any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$10,000,000

SECTION 20.852. – To the Office of Administration

For the Department of Economic Development

For the maintenance and improvements of a park and sports complex located on approximately one hundred twenty seven acres in any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$13,500,000

SECTION 20.853. – To the Office of Administration

For the Lieutenant Governor

For maintenance and improvements of a library district that serves any county with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants and any city with more than one hundred sixty thousand but fewer than two hundred thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$6,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 20.855. – To the Office of Administration

For the Department of Social Services

For the planning, design, maintenance, or construction of a nonprofit social services agency located in any city with more than one hundred twenty-five thousand but fewer than one hundred sixty thousand inhabitants that assists residents who are experiencing hardships by providing resources for basic and emergency needs in aide to overcome hardships and maintain self-sufficiency, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$6,000,000

SECTION 20.856. – To the Office of Administration

For the Department of Social Services

For repair and renovations of a workforce development site in a city not within a county that is operated by a century old organization that annually serves over one hundred thousand (100,000) clients regionally and that advocates and empowers African Americans throughout the region to secure economic self-reliance, social equality and civil rights through economic opportunity, education excellence, community empowerment, and civil rights and advocacy, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$2,500,000

SECTION 20.857. – To the Office of Administration

For the Department of Economic Development

For the purpose of removing condemned city-owned, vacant properties in any city not within a county, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$14,935,472

SECTION 20.858. – To the Office of Administration

For the Department of Economic Development

For the purpose of ADA compliant renovations and improvements to a building located in any city not within a county, that fosters innovation in place based neighborhood businesses, offers co- working space and a neighborhood talent pool, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$50,000

SECTION 20.859. – To the Office of Administration

For the Department of Social Services

For the renovation or construction of a facility gifted to a nonprofit agency that provides therapeutic recovery services to survivors of child sex trafficking, located in a county with more than two hundred thousand but fewer than two hundred thirty thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$4,100,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 20.861. – To the Office of Administration

For the Department of Social Services

For a nonprofit community development organization dedicated to individual and family well-being through social services, behavioral health counseling and the arts in any city with more than four hundred thousand inhabitants and located in more than one county in order to address capital improvement needs, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)..... \$500,000

SECTION 20.862. – To the Office of Administration

For the Department of Higher Education and Workforce Development

For capital improvements and workforce development needs for a nonprofit membership organization serving business in the south of any city with more than four hundred thousand inhabitants and located in more than one county, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)..... \$350,000

SECTION 20.863. – To the Office of Administration

For the Department of Elementary and Secondary Education

For the maintenance and improvements of a school building located in any city with more than two thousand seven hundred but fewer than three thousand inhabitants and located in a county with more than twelve thousand five hundred but fewer than fourteen thousand inhabitants and with a county seat with more than five thousand but fewer than six thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)..... \$155,125

SECTION 20.864. – To the Office of Administration

For the Department of Public Safety

For maintenance and improvements for county jails, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis provided that such funds shall be matched by the recipient or local entity

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)..... \$10,000,000

***SECTION 20.865.** – To the Office of Administration

For the Department of Public Safety

For the purchase of equipment for a nonprofit organization located in any city with more than four hundred thousand inhabitants and located in more than one county to help reduce the incident of violent crime and strengthen police services by researching and analyzing the best practices to help reduce violent crime, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)..... \$6,000,000

***I hereby veto \$2,000,000 Coronavirus State Fiscal Recovery – Revenue Replacement Fund for the purchase of equipment for the Kansas City Police Foundation. The Fiscal Year 2023 budget includes \$3 million for this project, which has not yet been fully expended.**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From \$6,000,000 to \$4,000,000 from Coronavirus State Fiscal Recovery – Revenue Replacement Fund.

From \$6,000,000 to \$4,000,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 20.866. – To the Office of Administration

For the Department of Elementary and Secondary Education

For the replacement of fence for twenty eight schools located in any city not within a county, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)..... \$800,000

SECTION 20.867. – To the Office of Administration

For the Department of Social Services

For the purpose of a non-profit organization to acquire a building that will provide housing units to a center that works to end homelessness in any county with more than one million inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery -Revenue Replacement Fund (2464)..... \$890,000

SECTION 20.869. – To the Office of Administration

For the Department of Social Services

For the construction of a new building for a family and child development center that provides early childcare services, before and after school programs that provide youth assistance, education and resources located any city with more than four hundred thousand inhabitants and located in more than one county, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)..... \$1,000,000

SECTION 20.870. – To the Office of Administration

For the Department of Mental Health

For a non-profit organization with three core programs, located in any city with more than four hundred thousand inhabitants and located in more than one county, that provides transformational healing and empowers generations of women and children to achieve recovery, reunification, and resilience, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)..... \$1,853,583

SECTION 20.871. – To the Office of Administration

For the Department of Natural Resources

For electrical repairs to a courthouse located in any county with more than two hundred thousand but fewer than two hundred thirty thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)..... \$320,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 20.872. – To the Office of Administration

For the Department of Economic Development

For a nonprofit agency designated as the primary economic development arm for a home rule city with more than four hundred thousand inhabitants and located in more than one county, for the renovation, maintenance and repair of historic structures owned and located within the city, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$1,000,000

SECTION 20.873. – To the Office of Administration

For the Lieutenant Governor

For maintenance, repairs, expansion and improvements for the official Korean War veterans memorial located in any city with more than four hundred thousand inhabitants and located in more than one county, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$1,000,000

SECTION 20.874. – To the Office of Administration

For the Lieutenant Governor

For the planning, design, maintenance, or construction for a library located in any city with more than eighteen thousand but fewer than twenty thousand inhabitants and located in a county with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$4,500,000

SECTION 20.876. – To the Office of Administration

For the Department of Social Services

For a nonprofit organization that provides summer food programs, food pantry and safe houses for men and women who are victims of abuse located in any city with more than eighteen thousand but fewer than twenty thousand inhabitants and located in a county with more than one million inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$176,192

SECTION 20.877. – To the Office of Administration

For the Department of Social Services

For a nonprofit organization serving youth for over twenty years that enables young people to reach their full potential as productive, caring, responsible citizens by providing a club experience, including after school and summer programs that assures success located in any city with more than sixteen thousand but fewer than eighteen thousand inhabitants and that is the county seat of a county with more than forty thousand but fewer than fifty thousand inhabitants, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$2,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 20.878. – To the Office of Administration

For the Department of Social Services

For a nonprofit organization that enables young people to reach their full potential as productive, caring, responsible citizens by providing a club experience that assures success that serves nearly eight thousand local kids located in any city with more than four hundred thousand inhabitants and located in more than one county, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464)..... \$200,000

SECTION 20.880. – To the Office of Administration

For the Department of Natural Resources

For wastewater improvements and projects for any city with more than eighteen thousand but fewer than twenty thousand inhabitants and located in a county with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, provided that local matching funds must be provided on a 70/30 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462)..... \$25,000,000

SECTION 20.881. – To the Office of Administration

For the Department of Natural Resources

For distribution to any county with more than four hundred thousand but fewer than five hundred thousand inhabitants, for storm water mitigation and remediation, provided that local matching funds must be provided on a 50/50 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462)..... \$2,500,000

SECTION 20.882. – To the Office of Administration

For the Department of Natural Resources

For planning, design, construction, maintenance, repair, and capital improvements for water storage, water delivery, waste water systems and storm water systems located in any city with more than eight thousand but fewer than nine thousand inhabitants and that is the county seat of a county with more than thirty-five thousand but fewer than forty thousand inhabitants, provided that local matching funds must be provided on a 90/10 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462)..... \$3,159,753

SECTION 20.883. – To the Office of Administration

For the Department of Natural Resources

For the planning, design, maintenance or construction of a flood wall located in any city with more than eleven thousand but fewer than twelve thousand five hundred inhabitants and located in a county with more than one million inhabitants, provided that local matching funds must be provided on a 70/30 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462)..... \$4,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 20.884. – To the Office of Administration

For the Department of Natural Resources

For the purpose of funding a project identified in 1991 to address creek erosion threatening residential properties and structures by constructing one thousand six hundred and twenty feet of thirteen feet high bio-stabilization on both sides of the creek in any county with more than one million inhabitants, provided that local matching funds must be provided on a 80/20 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$1,500,000

SECTION 20.885. – To the Office of Administration

For the Department of Natural Resources

For the planning, design, maintenance or construction of a flood wall located in any city with more than three hundred forty but fewer than three hundred eighty-five inhabitants and located in a county with more than fifteen thousand seven hundred but fewer than seventeen thousand six hundred inhabitants and with a county seat with more than three thousand six hundred but fewer than four thousand two hundred ten inhabitants, provided that local matching funds must be provided on a 80/20 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$2,000,000

SECTION 20.886. – To the Office of Administration

For the Department of Natural Resources

For upgrades and maintenance to sewer systems located in any city with more than ninety-five thousand but fewer than one hundred five thousand inhabitants, provided that local matching funds must be provided on a 50/50 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$10,500,000

SECTION 20.887. – To the Office of Administration

For the Department of Natural Resources

For planning, design, construction, maintenance, repair, and capital improvements for water storage, water delivery, waste water systems and storm water systems located in any city with more than twenty thousand but fewer than twenty-three thousand inhabitants and that is the county seat of a county with more than eighty thousand but fewer than one hundred thousand inhabitants, provided that local matching funds be provided on a 70/30 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$3,250,000

SECTION 20.888. – To the Office of Administration

For the Department of Natural Resources

For planning, design, construction, maintenance, repair, and capital improvements for water storage, water delivery, waste water systems and storm water systems for a sewer district that serves approximately four hundred fifty sanitary sewer customers located in any county with more than

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Matter in bold-face type is proposed language.

one hundred thousand but fewer than one hundred twenty thousand inhabitants and with a county seat with more than twelve thousand but fewer than fourteen thousand inhabitants, provided that no local match be required
From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$2,875,000

SECTION 20.889. – To the Office of Administration

For the Department of Natural Resources

For planning, design, construction, maintenance, repair, and capital improvements for water storage, water delivery, waste water systems and storm water systems located in any city with more than four thousand nine hundred but fewer than five thousand six hundred inhabitants and located in a county with more than seventeen thousand six hundred but fewer than nineteen thousand inhabitants and with a county seat with more than four thousand but fewer than five thousand fifty inhabitants, that serves nearly two thousand customers with six wells and five storage tanks, provided that no local match be required

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$1,250,000

SECTION 20.890. – To the Office of Administration

For the Department of Natural Resources

For planning, design, construction, maintenance, repair, and capital improvements for water storage, water delivery, waste water systems and storm water systems located in any city with more than six thousand three hundred but fewer than seven thousand inhabitants and located in a county with more than two hundred thousand but fewer than two hundred thirty thousand inhabitants, provided that local matching funds must be provided that no local match be required

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$1,000,000

SECTION 20.891. – To the Office of Administration

For the Department of Natural Resources

For planning, design, construction, maintenance, repair, and capital improvements for water storage, water delivery, waste water systems and storm water systems located in any city with more than eleven thousand but fewer than twelve thousand five hundred inhabitants and that is the county seat of a county with more than one hundred thousand but fewer than one hundred twenty thousand inhabitants, provided that local matching funds must be provided on a 90/10 state/local basis

From Coronavirus State Fiscal Recovery - Water Infrastructure Fund (2462).....\$900,000

SECTION 20.892. – To the Office of Administration

For the Department of Elementary and Secondary Education

For a learning center serving children with disabilities, including a childcare program for children with disabilities, located in any city with more than forty thousand but fewer than fifty-one thousand inhabitants and partially located in a county with more than seventy thousand but fewer than eighty

thousand inhabitants, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis provided that such funds shall be matched by the recipient or local entity

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$3,489,083

SECTION 20.893. – To the Office of Administration

For the Lieutenant Governor

For capital improvements and programmatic expansion of a nonprofit performing arts center that delivers accessible live entertainment for all audiences, superior theatre arts education, impactful outreach programs and events that utilize the venue, and helps sustain community engagement programming that impacts nearly twenty-five thousand locals each year, located in any city with more than four hundred thousand inhabitants and located in more than one county, provided that local match be provided in order to be eligible for state funds

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$2,000,000

SECTION 20.896. – To the Office of Administration

For the Department of Economic Development

For infrastructure development at Riverpointe located in a city with more than sixty-four thousand but fewer than seventy-one thousand inhabitants, provided that any grant awards disbursed from this appropriation shall be matched on a 50/50 basis provided that such funds shall be matched by the recipient

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$2,500,000

***SECTION 20.897.** – To the Office of Administration

For the Department of Economic Development

For a nonprofit community development corporation established in 1991, located in any city with more than four hundred thousand inhabitants and located in more than one county that works with the neighborhoods they serve to build meaningful relationships, acting as community convener, facilitator and resource for services, provided that no local match be required

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....\$2,000,000

*I hereby veto \$2,000,000 Coronavirus State Fiscal Recovery – Revenue Replacement Fund for a nonprofit community development corporation in Kansas City. This is a local responsibility with minimal statewide impact. Other funding mechanisms should be pursued in lieu of earmarked state funding for this project.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from Coronavirus State Fiscal Recovery – Revenue Replacement Fund.

From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 20.898.** – To the Office of Administration

For the Department of Economic Development

For distribution to a nonprofit organization in a city with more than two hundred sixty but fewer than two hundred ninety-three inhabitants and located in a county with more than one million inhabitants, to demolish abandoned properties

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$2,000,000

*I hereby veto \$2,000,000 Coronavirus State Fiscal Recovery – Health and Economic Impacts Fund to demolish abandoned properties in the City of Kinloch. Investments in similar demolition projects in the Fiscal Year 2023 budget have yet to move forward, other funding sources should be pursued outside of this earmarked appropriation.

Said section is vetoed in its entirety from \$2,000,000 to \$0 from Coronavirus State Fiscal Recovery – Health and Economic Impacts Fund.

From \$2,000,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 20.900. – To the Office of Administration

For administration of programs appropriated herein

Personal Service.....\$2,117,607

Expense and Equipment593,720

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....2,711,327

For the Department of Natural Resources administration of programs
appropriated herein

Personal Service.....657,203

Expense and Equipment.....199,831

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....857,034

For the Department of Economic Development administration of programs
appropriated herein

Personal Service.....1,718,117

Expense and Equipment.....403,730

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....2,121,847

For the Department of Public Safety administration of programs appropriated
herein

Personal Service.....229,059

Expense and Equipment.....42,022

From Coronavirus State Fiscal Recovery - Revenue Replacement Fund (2464).....271,081

Total (Not to exceed 44.00 F.T.E.)\$5,661,289

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SECTION 20.906. – To the Office of Administration

Funds are to be transferred out of the State Treasury to the Coronavirus State

Fiscal Recovery - Revenue Replacement Fund

From Coronavirus State Fiscal Recovery - Health and Economic

Impacts Fund (2463).....\$230,000,000

PART 2**SECTION 20.1000.** – To all departments

In reference to all sections in Part 1 of this act:

No funds shall be expended for or from any federal grant in furtherance of
 administrative costs greater than five percent (5%) of said federal grant
 amount or in accordance with grant guidelines.

Bill Totals

General Revenue Fund.....\$333,530,843

Federal Funds.....\$2,942,533,869

Other Funds.....12,000,000

Total.....\$3,288,064,712

Approved June 30, 2023

SS HCS HB 115 & 99

Enacts provisions relating to licensing of health care professionals.

AN ACT To repeal sections 195.070, 334.036, 334.100, 334.104, 334.506, 334.613, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 337.510, and 338.010, RSMo, and to enact in lieu thereof nineteen new sections relating to licensing of health care professionals.

SECTION

- A Enacting clause.
- 195.070 Prescriptive authority.
- 334.036 Assistant physicians — definitions — limitation on practice — licensure, rulemaking authority — collaborative practice arrangements — insurance reimbursement.
- 334.100 Denial, revocation or suspension of license, alternatives, grounds for — reinstatement provisions.
- 334.104 Collaborative practice arrangements, form, contents, delegation of authority — rules, approval, restrictions — disciplinary actions — notice of collaborative practice or physician assistant agreements to board, when — certain nurses may provide anesthesia services, when — contract limitations.
- 334.506 Physical therapists may provide certain services without prescription or direction of an approved health care provider, when — limitations.
- 334.613 Refusal to issue or renew a license, procedure — complaint may be filed, when, requirements for proceedings on — disciplinary action authorized.
- 335.016 Definitions.
- 335.019 Prescriptive authority, when — certificate of controlled substance prescriptive authority, issued when.
- 335.036 Duties of board — fees set, how — fund, source, use, funds transferred from, when — rulemaking.
- 335.046 License, application for — qualifications for, fee — hearing on denial of license.
- 335.051 Reciprocity — license without examination, temporary license, when.
- 335.056 Renewal of license, when due, fee — unlicensed practice prohibited — APRN renewal, requirements.
- 335.076 Titles, RN, LPN, and APRN, who may use.
- 335.086 Use of fraudulent credentials prohibited.
- 335.175 Utilization of telehealth by nurses established.
- 337.510 Requirements for licensure — definitions — reciprocity — provisional professional counselor license issued, when, requirements — renewal license fee.
- 337.550 Licensed professional counselors interstate compact.
- 338.010 Practice of pharmacy — license required — auxiliary personnel — written protocol required, when — nonprescription drugs — rulemaking authority — therapeutic plan requirements — veterinarian defined — additional requirements — ShowMeVax system, notice — public health emergencies.
- 338.012 Medication therapy services, certain diseases, pharmacist may provide under statewide standing order — rulemaking authority.

Be it enacted by the General Assembly of the state of Missouri, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION A. ENACTING CLAUSE. — Sections 195.070, 334.036, 334.100, 334.104, 334.506, 334.613, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 337.510, and 338.010, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 195.070, 334.036, 334.100, 334.104, 334.506, 334.613, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 337.510, 337.550, 338.010, and 338.012, to read as follows:

195.070. PRESCRIPTIVE AUTHORITY. — 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone **and Schedule II controlled substances for hospice patients pursuant to the provisions of section 334.104**. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, except:

(1) When the controlled substance is delivered to the practitioner to administer to the patient for whom the medication is prescribed as authorized by federal law. Practitioners shall maintain records and secure the medication as required by this chapter and regulations promulgated pursuant to this chapter; or

(2) As provided in section 195.265.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

334.036. ASSISTANT PHYSICIANS — DEFINITIONS — LIMITATION ON PRACTICE — LICENSURE, RULEMAKING AUTHORITY — COLLABORATIVE PRACTICE ARRANGEMENTS — INSURANCE REIMBURSEMENT. — 1. For purposes of this section, the following terms shall mean:

(1) "Assistant physician", any **graduate of a medical school** ~~graduate~~ **accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or an organization accredited by the Educational Commission for Foreign Medical Graduates** who:

(a) Is a resident and citizen of the United States or is a legal resident alien;

(b) Has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the three-

year period immediately preceding application for licensure as an assistant physician, or within three years after graduation from a medical college or osteopathic medical college, whichever is later;

(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding three-year period unless when such three-year anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language.

Any **graduate of a medical school** ~~[graduate]~~ who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

(2) "Assistant physician collaborative practice arrangement", an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037[;];

~~(3) "Medical school graduate", any person who has graduated from a medical college or osteopathic medical college described in section 334.034].~~

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state ~~[or in any pilot project areas established in which assistant physicians may practice].~~

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. No licensure fee for an assistant physician shall exceed the amount of any licensure fee for a physician assistant. An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule. No rule or regulation shall require an assistant physician to complete more hours of continuing medical education than that of a licensed physician.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

(3) Any rules or regulations regarding assistant physicians in effect as of the effective date of this section that conflict with the provisions of this section and section 334.037 shall be null and void as of the effective date of this section.

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

7. Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis that the health carrier or health benefit plan covers the service when it is delivered by another comparable mid-level health care provider including, but not limited to, a physician assistant.

334.100. DENIAL, REVOCATION OR SUSPENSION OF LICENSE, ALTERNATIVES, GROUNDS FOR — REINSTATEMENT PROVISIONS. —

1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

- (a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;
- (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;
- (c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;
- (d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;
- (e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;
- (f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;
- (g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;
- (h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination including failing to establish a valid physician-patient relationship pursuant to section 334.108, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;
- (i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;
- (j) Being listed on any state or federal sexual offender registry;
- (k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;
- (l) Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;
- (m) Failure of any applicant or licensee to cooperate with the board during any investigation;
- (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;
- (o) Failure to timely pay license renewal fees specified in this chapter;
- (p) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;
- (q) Failing to inform the board of the physician's current residence and business address;
- (r) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;
- (s) Any other conduct that is unethical or unprofessional involving a minor;
- (5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the

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performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of the drug laws or rules and regulations of this state, including but not limited to any provision of chapter 195, any other state, or the federal government;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;

(15) Knowingly making a false statement, orally or in writing to the board;

(16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;

(17) Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(18) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(19) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a

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physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

(20) Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or ~~or, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing~~ **evaluating or treating a patient in a manner inconsistent with section 334.506;**

(21) Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

(22) Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

(23) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

(24) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program;

(26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or voluntary termination of a controlled substance authority while under investigation;

(27) For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board

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at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

8. The act of lawfully dispensing, prescribing, administering, or otherwise distributing ivermectin tablets or hydroxychloroquine sulfate tablets for human use shall not be grounds for denial, suspension, revocation, or other disciplinary action by the board.

334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, CONTENTS, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NOTICE OF COLLABORATIVE PRACTICE OR PHYSICIAN ASSISTANT AGREEMENTS TO BOARD, WHEN — CERTAIN NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN — CONTRACT LIMITATIONS.

— 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. **(1)** Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

(2) Notwithstanding any other provision of this section to the contrary, a collaborative practice arrangement may delegate to an advanced practice registered nurse the authority to administer, dispense, or prescribe Schedule II controlled substances for hospice patients; provided, that the advanced practice registered nurse is employed by a hospice provider certified pursuant to chapter 197 and the advanced practice registered nurse is providing care to hospice patients pursuant to a collaborative practice arrangement that designates the certified hospice as a location where the advanced practice registered nurse is authorized to practice and prescribe.

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(3) Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

(4) An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except as specified in this paragraph. The following provisions shall apply with respect to this requirement:

a. **Until August 28, 2025, an advanced practice registered nurse providing services in a correctional center, as defined in section 217.010, and his or her collaborating physician shall satisfy the geographic proximity requirement if they practice within two hundred miles by road of one another. An incarcerated patient who requests or requires a physician consultation shall be treated by a physician as soon as appropriate;**

b. The collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210 (42 U.S.C. Section 1395x, as amended), as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic[-];

c. **The collaborative practice arrangement may allow for geographic proximity to be waived when the arrangement outlines the use of telehealth, as defined in section 191.1145;**

d. In addition to the waivers and exemptions provided in this subsection, an application for a waiver for any other reason of any applicable geographic proximity shall be available if a physician is collaborating with an advanced practice registered nurse in excess of any geographic proximity limit. The board of nursing and the state board of registration for the healing arts shall review each application for a waiver of geographic proximity and approve the application if the boards determine that adequate supervision exists between the collaborating physician and the advanced practice registered nurse. The boards shall have forty-five calendar days to review the completed application for the waiver of geographic proximity. If no action is taken by the boards within forty-five days after the submission of the application for a waiver, then the application shall be deemed approved. If the application is denied by the boards, the provisions of section 536.063 for contested cases shall apply and govern proceedings for appellate purposes; and

e. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; ~~and~~

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection; **and**

(11) If a collaborative practice arrangement is used in clinical situations where a collaborating advanced practice registered nurse provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the collaborating physician or any other physician designated in the collaborative practice arrangement shall be present for sufficient periods of time, at least once every two weeks, except in extraordinary circumstances that shall be documented, to participate in a chart review and to provide necessary medical direction, medical services, consultations, and supervision of the health care staff.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to ~~[specifying geographic areas to be covered]~~ the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. **Any rules relating to geographic proximity shall allow a collaborating physician and a collaborating advanced practice registered nurse to practice within two hundred miles by road of one another until August 28, 2025, if the nurse is providing services in a correctional center, as defined in section 217.010.** Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within

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hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his **or her** medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice ~~[agreement]~~ **arrangement**, including collaborative practice ~~[agreements]~~ **arrangements** delegating the authority to prescribe controlled substances, or physician assistant ~~[agreement]~~ **collaborative practice arrangement** and also report to the board the name of each licensed professional with whom the physician has entered into such ~~[agreement]~~ **arrangement**. The board ~~[may]~~ **shall** make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such ~~[agreements]~~ **arrangements** to ensure that ~~[agreements]~~ **arrangements** are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than six full-time equivalent advanced practice registered nurses, full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **or to collaborative practice arrangements between a primary care physician**

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and a primary care advanced practice registered nurse or a behavioral health physician and a behavioral health advanced practice registered nurse, where the collaborating physician is new to a patient population to which the advanced practice registered nurse is familiar.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other ~~[agreement]~~ **term of employment** shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other ~~[agreement]~~ **term of employment** shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.506. PHYSICAL THERAPISTS MAY PROVIDE CERTAIN SERVICES WITHOUT PRESCRIPTION OR DIRECTION OF AN APPROVED HEALTH CARE PROVIDER, WHEN — LIMITATIONS. — 1. As used in this section, the following terms mean:

(1) "Approved health care provider" ~~[means]~~, a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing;

(2) "Consult" or "consultation", **communication by telephone, by fax, in writing, or in person with the patient's personally approved licensed health care provider or a licensed health care provider of the patient's designation.**

2. A physical therapist ~~[shall not]~~ **may evaluate and** initiate treatment ~~[for a new injury or illness]~~ **on a patient** without a prescription or referral from an approved health care provider, **provided that the physical therapist has a doctorate of physical therapy degree or has five years of clinical practice as a physical therapist.**

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs ~~[for asymptomatic persons]~~, or provide screening or consultative services within the scope of physical therapy practice without ~~[the]~~ a prescription ~~[and direction of]~~ **or referral from** an approved health care provider.

4. ~~[A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The physical therapist shall:]~~

(1) ~~[Contact the patient's current approved health care provider within seven days of initiating physical therapy services under this subsection:]~~ **A physical therapist shall refer to an approved health care provider any patient whose condition at the time of evaluation or treatment is determined to be beyond the scope of practice of physical therapy. The physical therapist shall not provide physical therapy services or treatment after this referral has been made.**

(2) ~~[Not change an existing physical therapy referral available to the physical therapist without approval of the patient's current approved health care provider;]~~ **A physical therapist shall refer to an approved health care provider any patient who does not demonstrate measurable or functional improvement after ten visits or thirty days, whichever occurs first. The physical therapist shall not provide further therapy services or treatment after this referral has been made.**

(3) ~~[Refer to an approved health care provider any patient whose medical condition at the time of examination or treatment is determined to be beyond the scope of practice of physical therapy;~~

~~(4) Refer to an approved health care provider any patient whose condition for which physical therapy services are rendered under this subsection has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever first occurs;~~

~~(5) Notify the patient's current approved health care provider prior to the continuation of treatment if treatment rendered under this subsection is to continue beyond thirty days. The physical therapist shall provide such notification for each successive period of thirty days.]~~ **(a) A physical therapist shall consult with an approved health care provider if, after every ten visits or thirty days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the course of physical therapy services or treatment provided and the physical therapist believes that continuation of the course of physical therapy services or treatment is reasonable and necessary based on the physical therapist's evaluation of the patient. The physical therapist shall not provide further physical therapy services or treatment until the consultation has occurred.**

(b) The consultation with the approved health care provider shall include information concerning:

- a. The patient's condition for which physical therapy services or treatments were provided;**
- b. The basis for the course of services or treatment indicated, as determined from the physical therapy evaluation of the patient;**
- c. The physical therapy services or treatment provided before the date of the consultation;**
- d. The patient's demonstrated measurable or functional improvement from the services or treatment provided before the date of the consultation;**
- e. The continuing physical therapy services or treatment proposed to be provided following the consultation; and**
- f. The professional physical therapy basis for the continued physical therapy services or treatment to be provided.**

(c) Continued physical therapy services or treatment following the consultation with and approval by an approved health care provider shall proceed in accordance with any feedback, advice, opinion, or direction of the approved health care provider. The physical therapist shall notify the consulting approved health care provider of continuing physical therapy services or treatment and the patient's progress at least every ten visits or thirty days after the initial consultation unless the consulting approved health care provider directs otherwise.

(d) The provisions of this subdivision shall not apply to physical therapy services performed within a primary or secondary school for individuals within ages not in excess of twenty-one years.

5. The provision of physical therapy services of evaluation and screening pursuant to this section shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. ~~[Physical therapy treatment provided pursuant to the provisions of subsection 4 of this section may be delegated by physical therapists to physical therapist assistants only if the patient's current approved health care provider has been so informed as part of the physical therapist's seven day notification upon reinitiation of physical therapy services as required in subsection 4 of this section.]~~

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Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of an approved health care provider. Nothing in this subsection shall prohibit an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission on Accreditation in Physical Therapy Education (CAPTE) who satisfies supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry-level person shall be under the supervision of a physical therapist.

334.613. REFUSAL TO ISSUE OR RENEW A LICENSE, PROCEDURE — COMPLAINT MAY BE FILED, WHEN, REQUIREMENTS FOR PROCEEDINGS ON — DISCIPLINARY ACTION AUTHORIZED.

— 1. The board may refuse to issue or renew a license to practice as a physical therapist or physical therapist assistant for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew a license to practice as a physical therapist or physical therapist assistant, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

- (a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;
- (b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;
- (c) Willfully and continually performing inappropriate or unnecessary treatment or services;
- (d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;
- (e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;
- (f) Performing services which have been declared by board rule to be of no physical therapy value;
- (g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;
- (h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;
- (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;
- (j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;
- (k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;
- (l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;
- (m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;
- (n) Failure to timely pay license renewal fees specified in this chapter;
- (o) Violating a probation agreement with this board or any other licensing agency;
- (p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;
- (q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;
- (5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

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(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;

(7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or allowing any person to use his or her license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;

(12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or ~~notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing]~~ **evaluating or treating a patient in a manner inconsistent with section 334.506;**

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(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under section 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other

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proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

335.016. DEFINITIONS. — As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) "Accredited", the official authorization or status granted by an agency for a program through a voluntary process;

(2) "Advanced practice registered nurse" or "APRN", a ~~nurse who has education beyond the basic nursing education and is certified by a nationally recognized professional organization as a~~

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~~certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section. Advanced practice nurses and only such individuals may use the title "Advanced Practice Registered Nurse" and the abbreviation "APRN"]~~ **person who is licensed under the provisions of this chapter to engage in the practice of advanced practice nursing as a certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist;**

(3) "Approval", official recognition of nursing education programs which meet standards established by the board of nursing;

(4) "Board" or "state board", the state board of nursing;

(5) "Certified clinical nurse specialist", a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;

(6) "Certified nurse midwife", a registered nurse who is currently certified as a nurse midwife by the American ~~[College of Nurse-Midwives]~~ **Midwifery Certification Board**, or other nationally recognized certifying body approved by the board of nursing;

(7) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

(8) "Certified registered nurse anesthetist", a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the ~~[Council on Recertification of Nurse Anesthetists]~~ **National Board of Certification and Recertification for Nurse Anesthetists**, or other nationally recognized certifying body approved by the board of nursing;

(9) "Executive director", a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

(10) "Inactive ~~nurse~~ license status", as defined by rule pursuant to section 335.061;

(11) "Lapsed license status", as defined by rule under section 335.061;

(12) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

(13) "Licensure", the issuing of a license ~~[to practice professional or practical nursing]~~ to candidates who have met the ~~[specified]~~ requirements **specified under this chapter, authorizing the person to engage in the practice of advanced practice, professional, or practical nursing**, and the recording of the names of those persons as holders of a license to practice **advanced practice**, professional, or practical nursing;

(14) **"Practice of advanced practice nursing", the performance for compensation of activities and services consistent with the required education, training, certification, demonstrated competencies, and experiences of an advanced practice registered nurse;**

(15) **"Practice of practical nursing", the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;**

~~[(15)]~~ **(16) "Practice of professional nursing"**, the performance for compensation of any act **or action** which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social, **behavioral**, and nursing sciences, including, but not limited to:

- (a) Responsibility for the **promotion and** teaching of health care and the prevention of illness to the patient and his or her family;
- (b) Assessment, **data collection**, nursing diagnosis, nursing care, **evaluation**, and counsel of persons who are ill, injured, or experiencing alterations in normal health processes;
- (c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;
- (d) The coordination and assistance in the **determination and** delivery of a plan of health care with all members of a health team;
- (e) The teaching and supervision of other persons in the performance of any of the foregoing;

~~[(16)-A]~~ **(17) "Registered professional nurse" or "registered nurse"**, a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

~~[(17)]~~ **(18) "Retired license status"**, any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. PRESCRIPTIVE AUTHORITY, WHEN — CERTIFICATE OF CONTROLLED SUBSTANCE PRESCRIPTIVE AUTHORITY, ISSUED WHEN. — 1. An advanced practice registered nurse's prescriptive authority shall include authority to:

(1) Prescribe, dispense, and administer medications and nonscheduled legend drugs, as defined in section 338.330, within such APRN's practice and specialty; and

(2) Notwithstanding any other provision of this chapter to the contrary, receive, prescribe, administer, and provide nonscheduled legend drug samples from pharmaceutical manufacturers to patients at no charge to the patient or any other party.

2. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines, and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and

(4) Has a controlled substance prescribing authority delegated in the collaborative practice arrangement under section 334.104 with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.

335.036. DUTIES OF BOARD — FEES SET, HOW — FUND, SOURCE, USE, FUNDS TRANSFERRED FROM, WHEN — RULEMAKING. — 1. The board shall:

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(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection 11 of section 324.001 as are necessary to administer the provisions of sections 335.011 to ~~335.096~~ **335.099**;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to ~~335.096~~ **335.099**;

(3) Prescribe minimum standards for educational programs preparing persons for licensure **as a registered professional nurse or licensed practical nurse** pursuant to the provisions of sections 335.011 to ~~335.096~~ **335.099**;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as "approved" such programs as meet the requirements of sections 335.011 to ~~335.096~~ **335.099** and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

(8) Cause the prosecution of all persons violating provisions of sections 335.011 to ~~335.096~~ **335.099**, and may incur such necessary expenses therefor;

(9) Keep a record of all the proceedings; and make an annual report to the governor and to the director of the department of commerce and insurance.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to ~~335.096~~ **335.099** shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those purposes. The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.

4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

335.046. LICENSE, APPLICATION FOR — QUALIFICATIONS FOR, FEE — HEARING ON DENIAL OF LICENSE. — 1. An applicant for a license to practice as a registered professional nurse shall submit to the board a written application on forms furnished to the applicant. The original

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application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. The applicant shall be of good moral character and have completed at least the high school course of study, or the equivalent thereof as determined by the state board of education, and have successfully completed the basic professional curriculum in an accredited or approved school of nursing and earned a professional nursing degree or diploma. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice nursing as a registered professional nurse. The applicant for a license to practice registered professional nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

2. An applicant for license to practice as a licensed practical nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. Such applicant shall be of good moral character, and have completed at least two years of high school, or its equivalent as established by the state board of education, and have successfully completed a basic prescribed curriculum in a state-accredited or approved school of nursing, earned a nursing degree, certificate or diploma and completed a course approved by the board on the role of the practical nurse. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking countries shall be required to submit evidence of their proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice as a licensed practical nurse. The applicant for a license to practice licensed practical nursing shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

3. **(1) An applicant for a license to practice as an advanced practice registered nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain:**

(a) Statements showing the applicant's education and other such pertinent information as the board may require; and

(b) A statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

(2) The applicant for a license to practice as an advanced practice registered nurse shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants.

(3) An applicant shall:

(a) Hold a current registered professional nurse license or privilege to practice, shall not be currently subject to discipline or any restrictions, and shall not hold an encumbered license or privilege to practice as a registered professional nurse or advanced practice registered nurse in any state or territory;

(b) Have completed an accredited graduate-level advanced practice registered nurse program and achieved at least one certification as a clinical nurse specialist, nurse midwife, nurse

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practitioner, or registered nurse anesthetist, with at least one population focus prescribed by rule of the board;

(c) Be currently certified by a national certifying body recognized by the Missouri state board of nursing in the advanced practice registered nurse role; and

(d) Have a population focus on his or her certification, corresponding with his or her educational advanced practice registered nurse program.

(4) Any person holding a document of recognition to practice nursing as an advanced practice registered nurse in this state that is current on August 28, 2023, shall be deemed to be licensed as an advanced practice registered nurse under the provisions of this section and shall be eligible for renewal of such license under the conditions and standards prescribed in this chapter and as prescribed by rule.

4. Upon refusal of the board to allow any applicant to ~~sit for~~ **take** either the registered professional nurses' examination or the licensed practical nurses' examination, ~~as the case may be,~~ **or upon refusal to issue an advanced practice registered nurse license**, the board shall comply with the provisions of section 621.120 and advise the applicant of his or her right to have a hearing before the administrative hearing commission. The administrative hearing commission shall hear complaints taken pursuant to section 621.120.

~~[4.]~~ **5.** The board shall not deny a license because of sex, religion, race, ethnic origin, age or political affiliation.

335.051. RECIPROCITY — LICENSE WITHOUT EXAMINATION, TEMPORARY LICENSE, WHEN. — 1. The board shall issue a license to practice nursing as ~~either~~ **an advanced practice registered nurse**, a registered professional nurse, or a licensed practical nurse without examination to an applicant who has duly become licensed as ~~a~~ **an advanced practice registered nurse**, registered nurse, or licensed practical nurse pursuant to the laws of another state, territory, or foreign country if the applicant meets the qualifications required of **advanced practice registered nurses**, registered nurses, or licensed practical nurses in this state at the time the applicant was originally licensed in the other state, territory, or foreign country.

2. Applicants from foreign countries shall be licensed as prescribed by rule.

3. Upon application, the board shall issue a temporary permit to an applicant pursuant to subsection 1 of this section for a license as ~~either~~ **an advanced practice registered nurse**, a registered professional nurse, or a licensed practical nurse who has made a prima facie showing that the applicant meets all of the requirements for such a license. The temporary permit shall be effective only until the board shall have had the opportunity to investigate his **or her** qualifications for licensure pursuant to subsection 1 of this section and to notify the applicant that his or her application for a license has been either granted or rejected. In no event shall such temporary permit be in effect for more than twelve months after the date of its issuance nor shall a permit be reissued to the same applicant. No fee shall be charged for such temporary permit. The holder of a temporary permit which has not expired, or been suspended or revoked, shall be deemed to be the holder of a license issued pursuant to section 335.046 until such temporary permit expires, is terminated or is suspended or revoked.

335.056. RENEWAL OF LICENSE, WHEN DUE, FEE — UNLICENSED PRACTICE PROHIBITED — APRN RENEWAL, REQUIREMENTS. — 1. The license of every person licensed under the provisions of ~~[sections 335.011 to 335.096]~~ **this chapter** shall be renewed as provided. An application for renewal of license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal. Any person who practices nursing as **an advanced**

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practice registered nurse, a registered professional nurse, or ~~as~~ a licensed practical nurse during the time his **or her** license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the provisions of sections 335.011 to ~~[335.096]~~ **335.099**.

2. The renewal of advanced practice registered nurse licenses and registered professional nurse licenses shall occur at the same time, as prescribed by rule. Failure to renew and maintain the registered professional nurse license or privilege to practice or failure to provide the required fee and evidence of active certification or maintenance of certification as prescribed by rules and regulations shall result in expiration of the advanced practice registered nurse license.

3. A licensed nurse who holds an APRN license shall be disciplined on their APRN license for any violations of this chapter.

335.076. TITLES, RN, LPN, AND APRN, WHO MAY USE. — 1. Any person who holds a license to practice professional nursing in this state may use the title "Registered Professional Nurse" and the abbreviation ~~["R.N."] "RN"~~. No other person shall use the title "Registered Professional Nurse" or the abbreviation ~~["R.N."] "RN"~~. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse.

2. Any person who holds a license to practice practical nursing in this state may use the title "Licensed Practical Nurse" and the abbreviation ~~["L.P.N."] "LPN"~~. No other person shall use the title "Licensed Practical Nurse" or the abbreviation ~~["L.P.N."] "LPN"~~. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse.

3. Any person who holds a license ~~[or recognition]~~ to practice advanced practice nursing in this state may use the title "Advanced Practice Registered Nurse", **the designations of "certified registered nurse anesthetist", "certified nurse midwife", "certified clinical nurse specialist", and "certified nurse practitioner"**, and the ~~[abbreviation]~~ **abbreviations "APRN", [and any other title designations appearing on his or her license] "CRNA", "CNM", "CNS", and "NP", respectively.** No other person shall use the title "Advanced Practice Registered Nurse" or the abbreviation "APRN". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is an advanced practice registered nurse.

4. No person shall practice or offer to practice professional nursing, practical nursing, or advanced practice nursing in this state or use any title, sign, abbreviation, card, or device to indicate that such person is a practicing professional nurse, practical nurse, or advanced practice nurse unless he or she has been duly licensed under the provisions of this chapter.

5. In the interest of public safety and consumer awareness, it is unlawful for any person to use the title "nurse" in reference to himself or herself in any capacity, except individuals who are or have been licensed as a registered nurse, licensed practical nurse, or advanced practice registered nurse under this chapter.

6. Notwithstanding any law to the contrary, nothing in this chapter shall prohibit a Christian Science nurse from using the title "Christian Science nurse", so long as such person provides only religious nonmedical services when offering or providing such services to those who choose to rely upon healing by spiritual means alone and does not hold his or her own religious organization and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist, or nurse anesthetist, unless otherwise authorized by law to do so.

335.086. USE OF FRAUDULENT CREDENTIALS PROHIBITED. — No person, firm, corporation or association shall:

- (1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to furnish any nursing diploma, license, renewal or record or aid or abet therein;
- (2) Practice ~~[professional or practical]~~ nursing as defined by sections 335.011 to ~~[335.096]~~ **335.099** under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;
- (3) Practice ~~[professional nursing or practical]~~ nursing as defined by sections 335.011 to ~~[335.096]~~ **335.099** unless duly licensed to do so under the provisions of sections 335.011 to ~~[335.096]~~ **335.099**;
- (4) Use in connection with his **or her** name any designation tending to imply that he **or she** is a licensed **advanced practice registered nurse, a licensed** registered professional nurse, or a licensed practical nurse unless duly licensed so to practice under the provisions of sections 335.011 to ~~[335.096]~~ **335.099**;
- (5) Practice ~~[professional nursing or practical]~~ nursing during the time his **or her** license issued under the provisions of sections 335.011 to ~~[335.096]~~ **335.099** shall be suspended or revoked; or
- (6) Conduct a nursing education program for the preparation of professional or practical nurses unless the program has been accredited by the board.

335.175. UTILIZATION OF TELEHEALTH BY NURSES ESTABLISHED. — 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the "Utilization of Telehealth by Nurses". An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth ~~[in the care of the patient and if the services are provided in a rural area of need.]~~ Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, "telehealth" shall have the same meaning as such term is defined in section 191.1145.

~~[3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.~~

~~(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.~~

~~4. For purposes of this section, "rural area of need" means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.]~~

337.510. REQUIREMENTS FOR LICENSURE — DEFINITIONS — RECIPROCITY — PROVISIONAL PROFESSIONAL COUNSELOR LICENSE ISSUED, WHEN, REQUIREMENTS — RENEWAL LICENSE FEE. — 1. As used in this section, the following terms mean:

- (1) "License", license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;
- (2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve

components and auxiliaries. Such term also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "Resident military spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Each applicant for licensure as a professional counselor shall furnish evidence to the committee that the applicant is at least eighteen years of age, is a United States citizen or is legally present in the United States; and

(1) The applicant has completed a course of study as defined by the board rule leading to a master's, specialist's, or doctoral degree with a major in counseling, except any applicant who has held a license as a professional counselor in this state or currently holds a license as a professional counselor in another state shall not be required to have completed any courses related to career development; and

(2) The applicant has completed acceptable supervised counseling as defined by board rule. If the applicant has a master's degree with a major in counseling as defined by board rule, the applicant shall complete at least two years of acceptable supervised counseling experience subsequent to the receipt of the master's degree. The composition and number of hours comprising the acceptable supervised counseling experience shall be defined by board rule. An applicant may substitute thirty semester hours of post master's graduate study for one of the two required years of acceptable supervised counseling experience if such hours are clearly related to counseling;

(3) After August 28, 2007, each applicant shall have completed a minimum of three hours of graduate level coursework in diagnostic systems either in the curriculum leading to a degree or as post master's graduate level course work;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, and professional affairs and ethics.

~~[2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States to practice as a professional counselor who does not meet the requirements in section 324.009 and who is at least eighteen years of age, and is a United States citizen or is legally present in the United States may be granted a license without examination to engage in the practice of professional counseling in this state upon the application to the board, payment of the required fee as established by the board, and satisfying one of the following requirements:~~

~~(1) Approval by the American Association of State Counseling Boards (AASCB) or its successor organization according to the eligibility criteria established by AASCB. The successor organization shall be defined by board rule; or~~

~~(2) In good standing and currently certified by the National Board for Certified Counselors or its successor organization and has completed acceptable supervised counseling experience as defined by board rule. The successor organization shall be defined by board rule.]~~

3. (1) **Any person who holds a valid current professional counselor license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit an application for a professional counselor license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction, to the committee.**

(2) **The committee shall:**

(a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other state verifies that the person met those requirements in order to be licensed or certified in that state. The committee may require an applicant to take and pass an examination specific to the laws of this state; or

(b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this section.

(3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by a committee outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with a committee outside the state; who does not hold a license in good standing with a committee outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this section.

(b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

(4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.525.

(5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed professional counselor in this state.

(6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.

4. The committee shall issue a license to each person who files an application and fee and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of this act and has taken and passed a written, open-book examination on Missouri laws and regulations governing the practice of professional counseling as defined in section 337.500. The division shall issue a provisional professional counselor license to any applicant who meets all requirements of this section, but who has not completed the required acceptable supervised counseling experience and such applicant may reapply for licensure as a professional counselor upon completion of such acceptable supervised counseling experience.

[4-] 5. All persons licensed to practice professional counseling in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as required by rule, including two hours of suicide assessment, referral, treatment, and management training, which shall be no more than forty hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of the illness of the licensee or for other good cause.

337.550. LICENSED PROFESSIONAL COUNSELORS INTERSTATE COMPACT. — SECTION 1: PURPOSE

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

The purpose of this Compact is to facilitate interstate practice of Licensed Professional Counselors with the goal of improving public access to Professional Counseling services. The practice of Professional Counseling occurs in the State where the client is located at the time of the counseling services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

- A. Increase public access to Professional Counseling services by providing for the mutual recognition of other Member State licenses;
- B. Enhance the States' ability to protect the public's health and safety;
- C. Encourage the cooperation of Member States in regulating multistate practice for Licensed Professional Counselors;
- D. Support spouses of relocating Active Duty Military personnel;
- E. Enhance the exchange of licensure, investigative, and disciplinary information among Member States;
- F. Allow for the use of Telehealth technology to facilitate increased access to Professional Counseling services;
- G. Support the uniformity of Professional Counseling licensure requirements throughout the States to promote public safety and public health benefits;
- H. Invest all Member States with the authority to hold a Licensed Professional Counselor accountable for meeting all State practice laws in the State in which the client is located at the time care is rendered through the mutual recognition of Member State licenses;
- I. Eliminate the necessity for licenses in multiple States; and
- J. Provide opportunities for interstate practice by Licensed Professional Counselors who meet uniform licensure requirements.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

B. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a licensing board or other authority against a Licensed Professional Counselor, including actions against an individual's license or Privilege to Practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other Encumbrance on licensure affecting a Licensed Professional Counselor's authorization to practice, including issuance of a cease and desist action.

C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Professional Counseling Licensing Board to address Impaired Practitioners.

D. "Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

E. "Counseling Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact.

F. "Current Significant Investigative Information" means:

- 1. Investigative Information that a Licensing Board, after a preliminary inquiry that includes notification and an opportunity for the Licensed Professional Counselor to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

2. **Investigative Information** that indicates that the Licensed Professional Counselor represents an immediate threat to public health and safety regardless of whether the Licensed Professional Counselor has been notified and had an opportunity to respond.

G. **"Data System"** means a repository of information about Licensees, including, but not limited to, continuing education, examination, licensure, investigative, Privilege to Practice and Adverse Action information.

H. **"Encumbered License"** means a license in which an Adverse Action restricts the practice of licensed Professional Counseling by the Licensee and said Adverse Action has been reported to the National Practitioners Data Bank (NPDB).

I. **"Encumbrance"** means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Licensed Professional Counseling by a Licensing Board.

J. **"Executive Committee"** means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

K. **"Home State"** means the Member State that is the Licensee's primary State of residence.

L. **"Impaired Practitioner"** means an individual who has a condition(s) that may impair their ability to practice as a Licensed Professional Counselor without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

M. **"Investigative Information"** means information, records, and documents received or generated by a Professional Counseling Licensing Board pursuant to an investigation.

N. **"Jurisprudence Requirement"** if required by a Member State, means the assessment of an individual's knowledge of the laws and Rules governing the practice of Professional Counseling in a State.

O. **"Licensed Professional Counselor"** means a counselor licensed by a Member State, regardless of the title used by that State, to independently assess, diagnose, and treat behavioral health conditions.

P. **"Licensee"** means an individual who currently holds an authorization from the State to practice as a Licensed Professional Counselor.

Q. **"Licensing Board"** means the agency of a State, or equivalent, that is responsible for the licensing and regulation of Licensed Professional Counselors.

R. **"Member State"** means a State that has enacted the Compact.

S. **"Privilege to Practice"** means a legal authorization, which is equivalent to a license, permitting the practice of Professional Counseling in a Remote State.

T. **"Professional Counseling"** means the assessment, diagnosis, and treatment of behavioral health conditions by a Licensed Professional Counselor.

U. **"Remote State"** means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Privilege to Practice.

V. **"Rule"** means a regulation promulgated by the Commission that has the force of law.

W. **"Single State License"** means a Licensed Professional Counselor license issued by a Member State that authorizes practice only within the issuing State and does not include a Privilege to Practice in any other Member State.

X. **"State"** means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Professional Counseling.

Y. **"Telehealth"** means the application of telecommunication technology to deliver Professional Counseling services remotely to assess, diagnose, and treat behavioral health conditions.

Z. **"Unencumbered License"** means a license that authorizes a Licensed Professional Counselor to engage in the full and unrestricted practice of Professional Counseling.

SECTION 3. STATE PARTICIPATION IN THE COMPACT**A. To Participate in the Compact, a State must currently:**

1. License and regulate Licensed Professional Counselors;
2. Require Licensees to pass a nationally recognized exam approved by the Commission;
3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master's degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course work including the following topic areas:
 - a. Professional Counseling Orientation and Ethical Practice;
 - b. Social and Cultural Diversity;
 - c. Human Growth and Development;
 - d. Career Development;
 - e. Counseling and Helping Relationships;
 - f. Group Counseling and Group Work;
 - g. Diagnosis and Treatment; Assessment and Testing;
 - h. Research and Program Evaluation; and
 - i. Other areas as determined by the Commission.
4. Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission;
5. Have a mechanism in place for receiving and investigating complaints about Licensees.

B. A Member State shall:

1. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;
2. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;
3. Implement or utilize procedures for considering the criminal history records of applicants for an initial Privilege to Practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;
 - a. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions.
 - b. Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544.
4. Comply with the Rules of the Commission;
5. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws;
6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered License in another Member State in accordance with the terms of the Compact and Rules; and
7. Provide for the attendance of the State's commissioner to the Counseling Compact Commission meetings.

C. Member States may charge a fee for granting the Privilege to Practice.

D. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single State License as provided under the laws of each Member State. However, the Single State License granted to these individuals shall not be recognized as granting a Privilege to Practice Professional Counseling in any other Member State.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

F. A license issued to a Licensed Professional Counselor by a Home State to a resident in that State shall be recognized by each Member State as authorizing a Licensed Professional Counselor to practice Professional Counseling, under a Privilege to Practice, in each Member State.

SECTION 4. PRIVILEGE TO PRACTICE

A. To exercise the Privilege to Practice under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;
2. Have a valid United States Social Security Number or National Practitioner Identifier;
3. Be eligible for a Privilege to Practice in any Member State in accordance with Section 4(D), (G) and (H);
4. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years;
5. Notify the Commission that the Licensee is seeking the Privilege to Practice within a Remote State(s);
6. Pay any applicable fees, including any State fee, for the Privilege to Practice;
7. Meet any Continuing Competence/Education requirements established by the Home State;
8. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Privilege to Practice; and
9. Report to the Commission any Adverse Action, Encumbrance, or restriction on license taken by any non-Member State within 30 days from the date the action is taken.

B. The Privilege to Practice is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4(A) to maintain the Privilege to Practice in the Remote State.

C. A Licensee providing Professional Counseling in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

D. A Licensee providing Professional Counseling services in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Privilege to Practice in any Member State until the specific time for removal has passed and all fines are paid.

E. If a Home State license is encumbered, the Licensee shall lose the Privilege to Practice in any Remote State until the following occur:

1. The Home State license is no longer encumbered; and
2. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

F. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4(A) to obtain a Privilege to Practice in any Remote State.

G. If a Licensee's Privilege to Practice in any Remote State is removed, the individual may lose the Privilege to Practice in all other Remote States until the following occur:

1. The specific period of time for which the Privilege to Practice was removed has ended;
2. All fines have been paid; and
3. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

H. Once the requirements of Section 4(G) have been met, the Licensee must meet the requirements in Section 4(A) to obtain a Privilege to Practice in a Remote State.

SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO PRACTICE

A. A Licensed Professional Counselor may hold a Home State license, which allows for a Privilege to Practice in other Member States, in only one Member State at a time.

B. If a Licensed Professional Counselor changes primary State of residence by moving between two Member States:

1. The Licensed Professional Counselor shall file an application for obtaining a new Home State license based on a Privilege to Practice, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license by virtue of a Privilege to Practice, the new Home State shall verify that the Licensed Professional Counselor meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

a. a Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;

b. other criminal background check as required by the new Home State; and

c. completion of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Privilege to Practice once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Licensed Professional Counselor cannot meet the criteria in Section 4, the new Home State may apply its requirements for issuing a new Single State License.

5. The Licensed Professional Counselor shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If a Licensed Professional Counselor changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States, however for the purposes of this Compact, a Licensee shall have only one Home State license.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active Duty Military personnel, or their spouse, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in the new State, or through the process outlined in Section 5.

SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

A. Member States shall recognize the right of a Licensed Professional Counselor, licensed by a Home State in accordance with Section 3 and under Rules promulgated by the Commission, to practice Professional Counseling in any Member State via Telehealth under a Privilege to Practice as provided in the Compact and Rules promulgated by the Commission.

B. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

SECTION 8. ADVERSE ACTIONS

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against a Licensed Professional Counselor's Privilege to Practice within that Member State, and

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

3. Only the Home State shall have the power to take Adverse Action against a Licensed Professional Counselor's license issued by the Home State.

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Licensed Professional Counselor who changes primary State of residence during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the coordinated licensure information system shall promptly notify the new Home State of any Adverse Actions.

D. A Member State, if otherwise permitted by State law, may recover from the affected Licensed Professional Counselor the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensed Professional Counselor.

E. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

F. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective Professional Counseling practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If Adverse Action is taken by the Home State against the license of a Licensed Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against the license of a Licensed Professional Counselor shall include a Statement that the Licensed Professional Counselor's Privilege to Practice is deactivated in all Member States during the pendency of the order.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint public agency known as the Counseling Compact Commission:

1. The Commission is an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.

2. The delegate shall be either:

a. A current member of the Licensing Board at the time of appointment, who is a Licensed Professional Counselor or public member; or

b. An administrator of the Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

4. The Member State Licensing Board shall fill any vacancy occurring on the Commission within 60 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

8. The Commission shall by Rule establish a term of office for delegates and may by Rule establish term limits.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

5. Promulgate Rules which shall be binding to the extent and in the manner provided for in the Compact;

6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an Executive Committee; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Professional Counseling licensure and practice.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

2. The Executive Committee shall be composed of up to eleven (11) members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission; and

b. Up to four (4) ex-officio, nonvoting members from four (4) recognized national professional counselor organizations.

c. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Privilege to Practice;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in Rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 11.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

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Matter in bold-face type is proposed language.

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or Member State statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 10. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

B. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a license or Privilege to Practice;
4. Non-confidential information related to Alternative Program participation;
5. Any denial of application for licensure, and the reason(s) for such denial;
6. Current Significant Investigative Information; and
7. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

D. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

E. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

F. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 11. RULEMAKING

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its Rulemaking authority in a manner that is beyond the scope of the purposes of the

Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force or effect.

B. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and
2. On the website of each Member State Professional Counseling Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.

F. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;
2. The text of the proposed Rule or amendment and the reason for the proposed Rule;
3. A request for comments on the proposed Rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A State or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Member State funds;
3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or
4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:

a. Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

G. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

H. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

I. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Professional Counseling Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any Professional Counseling licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 14. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations, including scope of practice, of the Remote State.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws properly promulgated by the Commission, are binding upon the Member States.

E. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

338.010. PRACTICE OF PHARMACY — LICENSE REQUIRED — AUXILIARY PERSONNEL — WRITTEN PROTOCOL REQUIRED, WHEN — NONPRESCRIPTION DRUGS — RULEMAKING AUTHORITY — THERAPEUTIC PLAN REQUIREMENTS — VETERINARIAN DEFINED — ADDITIONAL REQUIREMENTS — SHOWMEVAX SYSTEM, NOTICE — PUBLIC HEALTH EMERGENCIES. — 1. The "practice of pharmacy" ~~[means]~~ **includes:**

(1) The interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353[~~;~~], **and the** receipt, transmission, or handling of such orders or facilitating the dispensing of such orders;

(2) The designing, initiating, implementing, and monitoring of a medication therapeutic plan ~~[as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist]~~ **in accordance with the provisions of this section;**

(3) The compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders ~~[and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A,~~

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Matter in bold-face type is proposed language.

hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule];

(4) **The ordering and administration of vaccines approved or authorized by the U.S. Food and Drug Administration, excluding vaccines for cholera, monkeypox, Japanese encephalitis, typhoid, rabies, yellow fever, tick-borne encephalitis, anthrax, tuberculosis, dengue, Hib, polio, rotavirus, smallpox, and any vaccine approved after January 1, 2023, to persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is older, pursuant to joint promulgation of rules established by the board of pharmacy and the state board of registration for the healing arts unless rules are established under a state of emergency as described in section 44.100;**

(5) The participation in drug selection according to state law and participation in drug utilization reviews;

(6) The proper and safe storage of drugs and devices and the maintenance of proper records thereof;

(7) Consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices;

(8) The prescribing and dispensing of any nicotine replacement therapy product under section 338.665;

(9) The dispensing of HIV postexposure prophylaxis pursuant to section 338.730; and

(10) The offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy.

2. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter.

3. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance.

4. This chapter shall ~~also~~ not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

~~[2- Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services.]~~ 5. **A pharmacist with a certificate of medication therapeutic plan authority may provide medication therapy services pursuant to a written protocol from a physician licensed under chapter 334 to patients who have established a physician-patient relationship, as described in subdivision (1) of subsection 1 of section 191.1146, with the protocol physician. The written protocol ~~[and the prescription order for a medication therapeutic plan]~~ authorized by this section shall come only from the physician ~~[only]~~ and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.**

~~[3-]~~ 6. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

~~[4-]~~ 7. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

~~[5-]~~ 8. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

~~[6-]~~ 9. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

~~[7-]~~ 10. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols ~~[for prescription orders]~~ for medication therapy services ~~[and administration of viral influenza vaccines]~~. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the ~~[referring]~~ **protocol physician or similar body authorized by this section**, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for ~~[prescription orders for]~~ medication therapy services ~~[and administration of viral influenza vaccines]~~. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

~~[8-]~~ 11. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

~~[9-]~~ 12. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a ~~[prescription order]~~ **written protocol** from a physician that ~~[is]~~ **may be** specific to each patient for care by a pharmacist.

~~[10-]~~ 13. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

~~[11-]~~ 14. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

~~[12-]~~ 15. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

~~[(3)]~~ 16. In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

~~[13-]~~ 17. A pharmacist shall inform the patient that the administration of ~~[the]~~ a vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the

ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

18. A pharmacist licensed under this chapter may order and administer vaccines approved or authorized by the U.S. Food and Drug Administration to address a public health need, as lawfully authorized by the state or federal government, or a department or agency thereof, during a state or federally declared public health emergency.

338.012. MEDICATION THERAPY SERVICES, CERTAIN DISEASES, PHARMACIST MAY PROVIDE UNDER STATEWIDE STANDING ORDER — RULEMAKING AUTHORITY. — 1. A pharmacist with a certificate of medication therapeutic plan authority may provide influenza, group A streptococcus, and COVID-19 medication therapy services pursuant to a statewide standing order issued by the director or chief medical officer of the department of health and senior services if that person is a licensed physician, or a licensed physician designated by the department of health and senior services.

2. The state board of registration for the healing arts, pursuant to section 334.125, and the state board of pharmacy, pursuant to section 338.140, shall jointly promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

Approved July 6, 2023

HB 131

Enacts provisions relating to state employee pay periods.

AN ACT to repeal section 33.100, RSMo, and to enact in lieu thereof one new section relating to state employee pay periods.

SECTION

A Enacting clause.

33.100 Salaries to be paid, how and when.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 33.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 33.100, to read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

33.100. SALARIES TO BE PAID, HOW AND WHEN. — The salaries of all elective and appointive officers and employees of the state shall be paid out of the state treasury, in **biweekly**, semimonthly, or monthly installments as designated by the commissioner of administration. The accounts and names of the officers and employees shall be presented to the commissioner of administration and a warrant therefor upon the state treasury shall be issued to be paid out of the appropriation made for such purpose. The accounts of the officers and employees shall be stated in their names, respectively, and the correctness thereof shall be certified to by the officers, respectively, in whose employment they are.

Approved June 7, 2023

SS HB 202

Enacts provisions relating to environmental regulation.

AN ACT to repeal sections 60.401, 60.410, 60.421, 60.431, 60.441, 60.451, 60.471, 60.480, 60.491, 60.510, 135.775, 135.778, 143.022, 143.121, 192.945, 192.947, 195.203, 195.207, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 195.773, 196.311, 196.316, 261.265, 304.180, 323.100, 340.341, 340.345, 340.381, 340.384, 340.387, and 413.225, RSMo, and to enact in lieu thereof twenty-five new sections relating to environmental regulation.

SECTION

- A Enacting clause.
- 60.401 Missouri state plane coordinate system established.
- 60.410 Projection zone layers.
- 60.431 Position or location, use of plane coordinate to establish.
- 60.441 Descriptions involving more than one zone.
- 60.471 Use of term limited.
- 60.480 Property descriptions based on United States public land survey recognized.
- 60.510 Powers and duties of department.
- 68.080 Waterways and ports trust fund, use of moneys — project criteria — termination date.
- 135.775 Biodiesel blend — definitions — seller tax credit, amount, procedure — rules — sunset provision.
- 135.778 Biodiesel producer — definitions — producer tax credit, amount, procedure — rules — sunset provision.
- 143.022 Deduction for business income — business income defined — increase in percentage of subtraction, when.
- 143.121 Missouri adjusted gross income.
- 195.207 Hemp extract, use of, permitted when — administration to a minor permitted, when — amount authorized.
- 196.311 Definitions.
- 196.316 License requirements — applications — kinds of licenses — fees — posting.
- 256.800 Citation of law — definitions — flood resiliency improvement fund established, use of moneys — program established, requirements — rulemaking authority.
- 262.911 Hardwood products, promotion of — fund created, use of moneys — sunset provision.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- 304.180 Regulations as to weight — axle load, tandem axle defined — transport of specific items, total gross weight permitted — requirements during disasters — specific vehicles, maximum weight.
- 323.100 Inspection of liquid meters — inaccurate meters condemned — fee — report — fee schedule to be published.
- 340.341 Eligibility standards for loan repayment program — rulemaking authority.
- 340.345 Loan repayment to include principal, interest and related expenses — annual limit.
- 340.381 Program and fund created, use of moneys.
- 340.384 Application procedure — amount of award — number of applicants to be awarded.
- 340.387 Contracts for assistance — repayment — forgiveness of loan, when.
- 413.225 Fees — amount — due when, inspection or calibration, failure to pay fee, effect, penalty.
- 60.421 Zones, official names.
- 60.451 Missouri coordinate system zones precisely defined.
- 60.491 Missouri coordinate system of 1983 to be sole system after July 1990.
- 192.945 Registration cards issued, requirements — definitions — recordkeeping — rulemaking.
- 192.947 Hemp extract, use of, immunity from liability, when.
- 195.203 Industrial hemp, authorization to grow, harvest, cultivate, and process with valid registration.
- 195.740 Definitions.
- 195.743 Viable industrial hemp is an agricultural product subject to regulation by department.
- 195.746 Registration and permits, requirements — application, contents — issuance, when.
- 195.749 Registration and permit, revocation, refusal to issue, refusal to renew, when — penalty, amount.
- 195.752 Administrative fine, when, amount.
- 195.756 Pesticides and agricultural chemicals, use of — limitations on liability.
- 195.758 Monitoring system, recordkeeping requirements — inspections, when — destruction of crop, when — aerial surveillance — coordination with local law enforcement — nonviable hemp not subject to regulation.
- 195.764 Fees, amount, use of — fund created.
- 195.767 Research and study of industrial hemp by institutions of higher education permitted, registration and permit not required.
- 195.773 Department duties — rulemaking authority.
- 261.265 License issuance, to whom — grower may produce, manufacture, and distribute, when — recordkeeping — inspections — rulemaking — civil penalty.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 60.401, 60.410, 60.421, 60.431, 60.441, 60.451, 60.471, 60.480, 60.491, 60.510, 135.775, 135.778, 143.022, 143.121, 192.945, 192.947, 195.203, 195.207, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 195.773, 196.311, 196.316, 261.265, 304.180, 323.100, 340.341, 340.345, 340.381, 340.384, 340.387, and 413.225, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 60.401, 60.410, 60.431, 60.441, 60.471, 60.480, 60.510, 68.080, 135.775, 135.778, 143.022, 143.121, 195.207, 196.311, 196.316, 256.800, 262.911, 304.180, 323.100, 340.341, 340.345, 340.381, 340.384, 340.387, and 413.225, to read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

60.401. MISSOURI STATE PLANE COORDINATE SYSTEM ESTABLISHED. — The ~~[systems of]~~ **most recent system of state** plane coordinates which ~~[have]~~ **has** been established by the ~~[National Ocean Survey/National Geodetic Survey]~~ **National Geodetic Survey**, or its successors, **based on the National Spatial Reference System, or its successors, and known as the State Plane Coordinate System**, for defining and stating the ~~[geographie]~~ positions or locations of points on the surface of the earth within the state of Missouri ~~[are hereafter to]~~ **shall** be known ~~[and designated]~~ as the ~~["Missouri Coordinate System of 1927" and the "Missouri Coordinate System of 1983"]~~ **"Missouri State Plane Coordinate System"**.

60.410. PROJECTION ZONE LAYERS. — ~~[1. For the purpose of the use of this system, Missouri is divided into three separate zones, to be officially known as "The East Zone", "The Central Zone", and "The West Zone".~~

~~2. The area now included in the following counties shall constitute the east zone: Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis, St. Louis (city), Scott, Shannon, Stoddard, Warren, Washington and Wayne.~~

~~3. The area now included in the following counties shall constitute the central zone: Adair, Audrain, Benton, Boone, Callaway, Camden, Carroll, Chariton, Christian, Cole, Cooper, Dallas, Douglas, Greene, Grundy, Hickory, Howard, Howell, Knox, Laclede, Linn, Livingston, Macon, Maries, Mercier, Miller, Moniteau, Monroe, Morgan, Osage, Ozark, Pettis, Phelps, Polk, Pulaski, Putnam, Randolph, Saline, Schuyler, Scotland, Shelby, Stone, Sullivan, Taney, Texas, Webster and Wright.~~

~~4. The area now included in the following counties shall constitute the west zone: Andrew, Atchison, Barry, Barton, Bates, Buchanan, Caldwell, Cass, Cedar, Clay, Clinton, Dade, Daviess, DeKalb, Gentry, Harrison, Henry, Holt, Jackson, Jasper, Johnson, Lafayette, Lawrence, McDonald, Newton, Nodaway, Platte, Ray, St. Clair, Vernon and Worth.]~~ **The Missouri state plane coordinate system may have one or more projection zone layers. Each layer of zones shall be covered by geodetically referenced mapping projections adopted and supported by the National Geodetic Survey as a component of the National Spatial Reference System. Each layer of zones shall be identified by the geodetic datum upon which they are defined, and each zone shall remain uniquely and consistently defined throughout its implementation within a particular layer.**

60.431. POSITION OR LOCATION, USE OF PLANE COORDINATE TO ESTABLISH. — The plane coordinate ~~[values for]~~ of a point on the earth's surface, ~~to be used [to express the geographie]~~ **in expressing the position or location of [such] point in the appropriate zone of [this system]** **the Missouri state plane coordinate system**, shall consist of two distances expressed in ~~[U.S. Survey Feet]~~ **feet** and decimals of a foot ~~[when using the Missouri coordinate system of 1927 and expressed in]~~ **or meters** and decimals of a meter ~~[when using the Missouri coordinate system of 1983].~~ **When values are expressed in feet, the International foot (one international foot equals 0.3048 meters), shall be used as the standard foot for the Missouri state plane coordinate system.** One of these distances, to be known as the **"East x-coordinate"**, shall give the ~~[position in an east and west direction;]~~ **distance east of the Y axis**; the other, to be known as the **"North y-coordinate"**, shall give the ~~[position in a north and south direction]~~ **distance north of the X axis. The Y axis of any zone shall be parallel with the central meridian of that zone. The X axis of any zone shall be at right angles to the central meridian zone.** These coordinates shall ~~[be made to]~~ depend upon and conform to plane rectangular coordinate values ~~[for the monumented points of the North American Horizontal Geodetic Control Network, as published by the National Ocean Survey/National Geodetic Survey]~~ **as established, published or broadcast by the National-Geodetic Survey**, or its successors, and whose plane coordinates have been computed on

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the systems defined in sections 60.401 to ~~[60.484]~~ **60.496**. Any such station **or method** may be used for establishing a survey connection to ~~[either]~~ the Missouri **state plane** coordinate system.

60.441. DESCRIPTIONS INVOLVING MORE THAN ONE ZONE. — When any tract of land to be defined by a single description extends from one into another of the coordinate zones ~~[set out in section 60.410]~~, the positions of all points on its boundaries may be referred to as either of the zones and the zone which is used shall be specifically named in the description.

60.471. USE OF TERM LIMITED. — The use of the term "Missouri **State Plane** Coordinate System ~~[of 1927" or "Missouri Coordinate System of 1983]"~~ on any map, report of survey, or other document shall be limited to coordinates based on the Missouri **state plane** coordinate system as defined in sections 60.401 to ~~[60.494]~~ **60.496**.

60.480. PROPERTY DESCRIPTIONS BASED ON UNITED STATES PUBLIC LAND SURVEY RECOGNIZED. — Descriptions of tracts of land by reference to subdivisions, lines, or corners of the United States public land survey, or other original pertinent surveys, are hereby recognized as the basic and prevailing method for describing such tracts. Whenever coordinates of the Missouri **state plane** coordinate system are used in such descriptions they shall be construed as being supplementary to descriptions of such subdivisions, lines, or corners contained in official plats and field notes of record; and, in the event of any conflict, the descriptions by reference to the subdivisions, lines, or corners of the United States public land surveys, or other original pertinent surveys shall prevail over the description by coordinates.

60.510. POWERS AND DUTIES OF DEPARTMENT. — The functions, duties and responsibilities of the department of agriculture shall be as follows:

(1) To restore, maintain, and preserve the land survey monuments, section corners, and quarter section corners established by the United States public land survey within Missouri, together with all pertinent field notes, plats and documents; and also to restore, establish, maintain, and preserve Missouri state and county boundary markers and other boundary markers considered by the department of agriculture to be of importance, or otherwise established by law;

(2) To design and cause to be placed at established public land survey corner sites, where practical, substantial monuments permanently indicating, with words and figures, the exact location involved, but if such monuments cannot be placed at the exact corner point, then witness corners of similar design shall be placed as ~~[near-by]~~ **nearby** as possible, with words and figures indicating the bearing and distance to the true corner;

(3) To establish, maintain, and provide safe storage facilities for a comprehensive system of recordation of information respecting all monuments established by the United States public land survey within this state, and such records as may be pertinent to the department of agriculture's establishment or maintenance of other land corners, Missouri **state plane** coordinate system stations and accessories, and survey monuments in general;

(4) To provide the framework for all geodetic positioning activities in the state. The foundational elements include latitude, longitude, and elevation which contribute to informed decision making and impact on a wide range of important activities including mapping and geographic information systems, flood risk determination, transportation, land use and ecosystem management and use of the Missouri **state plane** coordinate system, as established by sections 60.401 to ~~[60.494]~~ **60.496**;

(5) To collect and preserve information obtained from surveys made by those authorized to establish land monuments or land boundaries, and to assist in the proper recording of the same by the duly constituted county officials, or otherwise;

(6) To furnish, upon reasonable request and tender of the required fees therefor, certified copies of records created or maintained by the department of agriculture which, when certified by the state land surveyor or a designated assistant, shall be admissible in evidence in any court in this state, as the original record; and

(7) To prescribe, and disseminate to those engaged in the business of land surveying, regulations designed to assist in uniform and professional surveying methods and standards in this state.

68.080. WATERWAYS AND PORTS TRUST FUND, USE OF MONEYS — PROJECT CRITERIA — TERMINATION DATE. — 1. There is hereby established in the state treasury the "Waterways and Ports Trust Fund". The fund shall consist of revenues appropriated to it by the general assembly.

2. The fund may also receive any gifts, contributions, grants, or bequests received from federal, private, or other sources.

3. The fund shall be a revolving trust fund exempt from the provisions of section 33.080 relating to the transfer of unexpended balances by the state treasurer to the general revenue fund of the state. All interest earned upon the balance in the fund shall be deposited to the credit of the fund.

4. Moneys in the fund shall be withdrawn only upon appropriation by the general assembly, to be administered by the state highways and transportation commission and the department of transportation, in consultation with Missouri public ports, for the purposes in subsection 2 of section 68.035 and for no other purpose. To be eligible to receive an appropriation from the fund, a project shall be:

(1) A capital improvement project implementing physical improvements designed to improve commerce or terminal and transportation facilities on or adjacent to the navigable rivers of this state;

(2) Located on land owned or held in long term lease by a Missouri port authority, or within a navigable river adjacent to such land, and within the boundaries of a port authority;

(3) Funded by alternate sources so that moneys from the fund comprise no more than eighty percent of the cost of the project;

(4) Selected and approved by the highways and transportation commission, in consultation with Missouri public ports, to support a statewide plan for waterborne commerce, in accordance with subdivision (1) of section 68.065; and

(5) Capable of completion within two years of approval by the highways and transportation commission.

5. Appropriations made from the fund established in this section may be used as a local share in applying for other grant programs.

6. The provisions of this section shall terminate on August 28, 2033, pending the discharge of all warrant. On December 31, 2033, the fund shall be dissolved and the unencumbered balance shall be transferred to the general revenue fund.

135.775. BIODIESEL BLEND — DEFINITIONS — SELLER TAX CREDIT, AMOUNT, PROCEDURE — RULES — SUNSET PROVISION. — 1. As used in this section, the following terms mean:

(1) "Biodiesel blend", a blend of diesel fuel and biodiesel fuel of at least five percent and not more than twenty percent for on-road and off-road diesel-fueled vehicle use;

(2) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock. A fuel shall be deemed to be biodiesel fuel if the fuel consists of a pure B100 or B99 ratio. Biodiesel produced from

palm oil is not biodiesel fuel for the purposes of this section unless the palm oil is contained within waste oil and grease collected within the United States;

(3) "B99", a blend of ninety-nine percent biodiesel fuel that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock with a minimum of one-tenth of one percent and maximum of one percent diesel fuel that meets the most recent version of the ASTM International D975 Standard Specification for Diesel Fuel;

(4) "Department", the Missouri department of revenue;

(5) "Distributor", a person, firm, or corporation doing business in this state that:

(a) Produces, refines, blends, compounds, or manufactures motor fuel;

(b) Imports motor fuel into the state; or

(c) Is engaged in distribution of motor fuel;

(6) "Retail dealer", a person, firm, or corporation doing business in this state that owns or operates a retail service station in this state;

(7) "Retail service station", a location in this state from which biodiesel blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption at retail.

2. For all tax years beginning on or after January 1, 2023, a retail dealer that sells a biodiesel blend at a retail service station or a distributor that sells a biodiesel blend directly to the final user located in this state shall be allowed a tax credit to be taken against the retail dealer or distributor's state income tax liability. **For any retail dealer or distributor with a tax year beginning prior to January 1, 2023, but ending during the 2023 calendar year, such retail dealer or distributor shall be allowed a tax credit for the amount of biodiesel blend sold during the portion of such tax year that occurs during the 2023 calendar year.** The amount of the credit shall be equal to:

(1) Two cents per gallon of biodiesel blend of at least five percent but not more than ten percent sold by the retail dealer at a retail service station or by a distributor directly to the final user located in this state during the tax year for which the tax credit is claimed; and

(2) Five cents per gallon of biodiesel blend in excess of ten percent but not more than twenty percent sold by the retail dealer at a retail service station or by a distributor directly to the final user located in this state during the tax year for which the tax credit is claimed.

3. Tax credits authorized under this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall be refundable. The total amount of tax credits issued under this section for any given fiscal year shall not exceed sixteen million dollars.

4. In the event the total amount of tax credits claimed under this section exceeds the amount of available tax credits, the tax credits shall be apportioned among all eligible retail dealers and distributors claiming a tax credit by April fifteenth, or as directed by section 143.851, of the fiscal year in which the tax credit is claimed.

5. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to 143.265, after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to administer the provisions of this section.

6. Notwithstanding any other provision of law to the contrary, if the maximum amount of tax credits authorized by this section are not claimed, the remaining amount of tax credits available to claim shall be applied to the tax credit in section 135.778 if the maximum amount of tax credits authorized by section 135.778 have been claimed.

7. Notwithstanding the provisions of section 32.057 to the contrary, the department may work with the division of weights and measures within the department of agriculture to validate that the biodiesel blend a retail dealer or distributor claims for the tax credit authorized under this section contains a sufficient percentage of biodiesel fuel.

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8. The department shall promulgate rules to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 2, 2023, shall be invalid and void.

9. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2028, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The termination of the program as described in this subsection shall not be construed to preclude any qualified taxpayer who claims any benefit under any program that is sunset under this subsection from claiming such benefit for all allowable activities related to such claim that were completed before the program was sunset or to eliminate any responsibility of the department to verify the continued eligibility of qualified individuals receiving tax credits and to enforce other requirements of law that applied before the program was sunset.

135.778. BIODIESEL PRODUCER — DEFINITIONS — PRODUCER TAX CREDIT, AMOUNT, PROCEDURE — RULES — SUNSET PROVISION. — 1. For the purposes of this section, the following terms shall mean:

(1) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock. A fuel shall be deemed to be biodiesel fuel if the fuel consists of a pure B100 or B99 ratio. Biodiesel produced from palm oil is not biodiesel fuel for the purposes of this section unless the palm oil is contained within waste oil and grease collected within the United States;

(2) "B99", a blend of ninety-nine percent biodiesel fuel that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock with a minimum of one-tenth of one percent and maximum of one percent diesel fuel that meets the most recent version of the ASTM International D975 Standard Specification for Diesel Fuel;

(3) "Department", the Missouri department of revenue;

(4) "Missouri biodiesel producer", a person, firm, or corporation doing business in this state that produces biodiesel fuel in this state, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR Part 79, and has begun construction on such facility or has been selling biodiesel fuel produced at such facility on or before January 2, 2023.

2. For all tax years beginning on or after January 1, 2023, a Missouri biodiesel producer shall be allowed a tax credit to be taken against the producer's state income tax liability. **For any Missouri biodiesel producer with a tax year beginning prior to January 1, 2023, but ending during the 2023 calendar year, such Missouri biodiesel producer shall be allowed a tax credit for the amount of biodiesel fuel produced during the portion of such tax year that occurs during the 2023 calendar year.** The amount of the tax credit shall be two cents per gallon of biodiesel fuel produced by the Missouri biodiesel producer during the tax year for which the tax credit is claimed.

3. Tax credits authorized under this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall be refundable. The total

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Matter in bold-face type is proposed language.

amount of tax credits issued under this section for any given fiscal year shall not exceed ~~four~~ **five** million **five hundred thousand** dollars, **which shall be authorized on a first-come first-served basis.**

4. ~~In the event the total amount of tax credits claimed under this section exceeds the amount of available tax credits, the tax credits shall be apportioned among all eligible Missouri biodiesel producers claiming the credit by April fifteenth, or as directed by section 143.851, of the fiscal year in which the tax credit is claimed.~~

~~5.]~~ The tax credit authorized under this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to 143.265, after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to administer the provisions of this section.

~~[6.]~~ **5.** Notwithstanding any other provision of law to the contrary, if the maximum amount of tax credits authorized by this section are not claimed, the remaining amount of tax credits available to claim shall be applied to the tax credit in section 135.775 if the maximum amount of tax credits authorized by section 135.775 have been claimed.

~~[7.]~~ **6.** The department shall promulgate rules to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 2, 2023, shall be invalid and void.

~~[8.]~~ **7.** Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2028, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The termination of the program as described in this subsection shall not be construed to preclude any qualified taxpayer who claims any benefit under any program that is sunset under this subsection from claiming such benefit for all allowable activities related to such claim that were completed before the program was sunset, or to eliminate any responsibility of the department to verify the continued eligibility of qualified individuals receiving tax credits and to enforce other requirements of law that applied before the program was sunset.

143.022. DEDUCTION FOR BUSINESS INCOME — BUSINESS INCOME DEFINED — INCREASE IN PERCENTAGE OF SUBTRACTION, WHEN. — 1. As used in this section, "business income" means the income greater than zero arising from transactions in the regular course of all of a taxpayer's trade or business and shall be limited to the Missouri source net profit from the combination of the following:

(1) The total combined profit as properly reported to the Internal Revenue Service on each Schedule C, or its successor form, filed; ~~and~~

(2) The total partnership and S corporation income or loss properly reported to the Internal Revenue Service on Part II of Schedule E, or its successor form;

(3) The total combined profit as properly reported to the Internal Revenue Service on each Schedule F, or its successor form, filed; and

(4) The total combined profit as properly reported to the Internal Revenue Service on each Form 4835, or its successor form, filed.

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2. In addition to all other modifications allowed by law, there shall be subtracted from the federal adjusted gross income of an individual taxpayer a percentage of such individual's business income, to the extent that such amounts are included in federal adjusted gross income when determining such individual's Missouri adjusted gross income **and are not otherwise subtracted or deducted in determining such individual's Missouri taxable income.**

3. In the case of an S corporation described in section 143.471 or a partnership computing the deduction allowed under subsection 2 of this section, taxpayers described in subdivision (1) or (2) of this subsection shall be allowed such deduction apportioned in proportion to their share of ownership of the business as reported on the taxpayer's Schedule K-1, or its successor form, for the tax period for which such deduction is being claimed when determining the Missouri adjusted gross income of:

- (1) The shareholders of an S corporation as described in section 143.471;
- (2) The partners in a partnership.

4. The percentage to be subtracted under subsection 2 of this section shall be increased over a period of years. Each increase in the percentage shall be by five percent and no more than one increase shall occur in a calendar year. The maximum percentage that may be subtracted is twenty percent of business income. Any increase in the percentage that may be subtracted shall take effect on January first of a calendar year and such percentage shall continue in effect until the next percentage increase occurs. An increase shall only apply to tax years that begin on or after the increase takes effect.

5. An increase in the percentage that may be subtracted under subsection 2 of this section shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

6. The first year that a taxpayer may make the subtraction under subsection 2 of this section is 2017, provided that the provisions of subsection 5 of this section are met. If the provisions of subsection 5 of this section are met, the percentage that may be subtracted in 2017 is five percent.

143.121. MISSOURI ADJUSTED GROSS INCOME. — 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability pursuant to Public Law 116-136 or 116-260, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171. The amount added under this subdivision shall also not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability under any other federal law that provides direct economic impact payments to taxpayers to mitigate financial challenges related to the COVID-19 pandemic, and deducted from Missouri adjusted gross income under section 143.171;

(2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia;

(6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as amended, in the current taxable year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest received on deposits held at a federal reserve bank or interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason

of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection;

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan;
- (i) Livestock Gross Margin Insurance Plan;

(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist; and

(12) One hundred percent of any retirement benefits received by any taxpayer as a result of the taxpayer's service in the Armed Forces of the United States, including reserve components and the National Guard of this state, as defined in 32 U.S.C. Sections 101(3) and 109, and any other military force organized under the laws of this state.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

10. (1) As used in this subsection, the following terms mean:

(a) "Beginning farmer", a taxpayer who:

a. Has filed at least one but not more than ten Internal Revenue Service Schedule F (Form 1040) Profit or Loss From Farming forms since turning eighteen years of age;

b. Is approved for a beginning farmer loan through the USDA Farm Service Agency Beginning Farmer direct or guaranteed loan program;

c. Has a farming operation that is determined by the department of agriculture to be new production agriculture but is the principal operator of a farm and has substantial farming knowledge; or

d. Has been determined by the department of agriculture to be a qualified family member;

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(b) "Farm owner", an individual who owns farmland and disposes of or relinquishes use of all or some portion of such farmland as follows:

- a. A sale to a beginning farmer;
- b. A lease or rental agreement not exceeding ten years with a beginning farmer; or
- c. A crop-share arrangement not exceeding ten years with a beginning farmer;

(c) "Qualified family member", an individual who is related to a farm owner within the fourth degree by blood, marriage, or adoption and who is purchasing or leasing or is in a crop-share arrangement for land from all or a portion of such farm owner's farming operation.

(2) (a) In addition to all other subtractions authorized in this section, a taxpayer who is a farm owner who sells all or a portion of such farmland to a beginning farmer may subtract from such taxpayer's Missouri adjusted gross income an amount to the extent included in federal adjusted gross income as provided in this subdivision.

(b) Subject to the limitations in paragraph (c) of this subdivision, the amount that may be subtracted shall be equal to the portion of capital gains received from the sale of such farmland that such taxpayer receives in the tax year for which such taxpayer subtracts such capital gain.

(c) A taxpayer may subtract the following amounts and percentages per tax year in total capital gains received from the sale of such farmland under this subdivision:

- a. For the first two million dollars received, one hundred percent;
- b. For the next one million dollars received, eighty percent;
- c. For the next one million dollars received, sixty percent;
- d. For the next one million dollars received, forty percent; and
- e. For the next one million dollars received, twenty percent.

(d) The department of revenue shall prepare an annual report reviewing the costs and benefits and containing statistical information regarding the subtraction of capital gains authorized under this subdivision for the previous tax year including, but not limited to, the total amount of all capital gains subtracted and the number of taxpayers subtracting such capital gains. Such report shall be submitted before February first of each year to the committee on agriculture policy of the Missouri house of representatives and the committee on agriculture, food production and outdoor resources of the Missouri senate, or the successor committees.

(3) (a) In addition to all other subtractions authorized in this section, a taxpayer who is a farm owner who enters a lease or rental agreement for all or a portion of such farmland with a beginning farmer may subtract from such taxpayer's Missouri adjusted gross income an amount to the extent included in federal adjusted gross income as provided in this subdivision.

(b) Subject to the limitation in paragraph (c) of this subdivision, the amount that may be subtracted shall be equal to the portion of cash rent income received from the lease or rental of such farmland that such taxpayer receives in the tax year for which such taxpayer subtracts such income.

(c) No taxpayer shall subtract more than twenty-five thousand dollars per tax year in total cash rent income received from the lease or rental of such farmland under this subdivision.

(4) (a) In addition to all other subtractions authorized in this section, a taxpayer who is a farm owner who enters a crop-share arrangement on all or a portion of such farmland with a beginning farmer may subtract from such taxpayer's Missouri adjusted gross income an amount to the extent included in federal adjusted gross income as provided in this subdivision.

(b) Subject to the limitation in paragraph (c) of this subdivision, the amount that may be subtracted shall be equal to the portion of income received from the crop-share arrangement on such farmland that such taxpayer receives in the tax year for which such taxpayer subtracts such income.

(c) No taxpayer shall subtract more than twenty-five thousand dollars per tax year in total income received from the lease or rental of such farmland under this subdivision.

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Matter in bold-face type is proposed language.

(5) The department of agriculture shall, by rule, establish a process to verify that a taxpayer is a beginning farmer for purposes of this section and shall provide verification to the beginning farmer and farm seller of such farmer's and seller's certification and qualification for the exemption provided in this subsection.

195.207. HEMP EXTRACT, USE OF, PERMITTED WHEN — ADMINISTRATION TO A MINOR PERMITTED, WHEN — AMOUNT AUTHORIZED. — 1. As used in ~~[sections]~~ **section 192.945**; ~~261.265, 261.267,~~ and this section, the term "hemp extract" shall mean an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that:

- (1) Is composed of no more than three-tenths percent tetrahydrocannabinol by weight;
- (2) Is composed of at least five percent cannabidiol by weight; and
- (3) Contains no other psychoactive substance.

2. Notwithstanding any other provision of this chapter, an individual who has been issued a valid hemp extract registration card under section 192.945, or is a minor under a registrant's care, and possesses or uses hemp extract is not subject to the penalties described in this chapter for possession or use of the hemp extract if the individual:

- (1) Possesses or uses the hemp extract only to treat intractable epilepsy as defined in section 192.945;
- (2) Originally obtained the hemp extract from a sealed container with a label indicating the hemp extract's place of origin and a number that corresponds with a certificate of analysis;
- (3) Possesses, in close proximity to the hemp extract, a certificate of analysis that:
 - (a) Has a number that corresponds with the number on the label described in subdivision (2) of this subsection;
 - (b) Indicates the hemp extract's ingredients including its percentages of tetrahydrocannabinol and cannabidiol by weight;
 - (c) Is created by a laboratory that is not affiliated with the producer of the hemp extract and is licensed in the state where the hemp extract was produced; and
 - (d) Is transmitted by the laboratory to the department of health and senior services; and
- (4) Has a current hemp extract registration card issued by the department of health and senior services under section 192.945.

3. Notwithstanding any other provision of this chapter, an individual who possesses hemp extract lawfully under subsection 2 of this section and administers hemp extract to a minor suffering from intractable epilepsy is not subject to the penalties described in this chapter for administering the hemp extract to the minor if:

- (1) The individual is the minor's parent or legal guardian; and
- (2) The individual is registered with the department of health and senior services as the minor's parent under section 192.945.

4. An individual who has been issued a valid hemp extract registration card under section 192.945, or is a minor under a registrant's care, may possess up to twenty ounces of hemp extract pursuant to this section. Subject to any rules or regulations promulgated by the department of health and senior services, an individual may apply for a waiver if a physician provides a substantial medical basis in a signed, written statement asserting that, based on the patient's medical history, in the physician's professional judgment, twenty ounces is an insufficient amount to properly alleviate the patient's medical condition or symptoms associated with such medical condition.

196.311. DEFINITIONS. — Unless otherwise indicated by the context, when used in sections 196.311 to 196.361:

- (1) "Consumer" means any person who purchases eggs for ~~[his or her]~~ **such person's** own family use or consumption; or any restaurant, hotel, boardinghouse, bakery, or other institution or concern

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which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking, baking, or manufacturing their products;

(2) "Container" means any box, case, basket, carton, sack, bag, or other receptacle. "Subcontainer" means any container when being used within another container;

(3) "Dealer" means any person who purchases eggs from the producers thereof, or another dealer, for the purpose of selling such eggs to another dealer, a processor, or retailer;

(4) "Denatured" means eggs (a) made unfit for human food by treatment or the addition of a foreign substance, or (b) with one-half or more of the shell's surface covered by a permanent black, dark purple or dark blue dye;

(5) "Director" means the director of the department of agriculture;

(6) "Eggs" means the shell eggs of a domesticated chicken, turkey, duck, **quail**, goose, or guinea that are intended for human consumption;

(7) "Inedible eggs" means eggs which are defined as such in the rules and regulations of the director adopted under sections 196.311 to 196.361, which definition shall conform to the specifications adopted therefor by the United States Department of Agriculture;

(8) "Person" means and includes any individual, firm, partnership, exchange, association, trustee, receiver, corporation or any other business organization, and any member, officer or employee thereof;

(9) "Processor" means any person engaged in breaking eggs or manufacturing or processing egg liquids, whole egg meats, yolks, whites, or any mixture of yolks and whites, with or without the addition of other ingredients, whether chilled, frozen, condensed, concentrated, dried, powdered or desiccated;

(10) "Retailer" means any person who sells eggs to a consumer;

(11) "Sell" means offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

196.316. LICENSE REQUIREMENTS — APPLICATIONS — KINDS OF LICENSES — FEES — POSTING. — 1. All persons engaged in buying, selling, trading or trafficking in, or processing eggs, except those listed in section 196.313, shall be required to be licensed under sections 196.311 to 196.361. Such persons shall file an annual application for such license on forms to be prescribed by the director, and shall obtain an annual license for each separate place of business from the director. The following types of licenses shall be issued:

(1) A "retailer's license" shall be required of any person defined as a retailer in section 196.311. A holder of a retailer's license shall not, by virtue of such license, be permitted or authorized to buy eggs from any person other than a licensed dealer, and any retailer desiring to buy eggs from persons other than licensed dealers shall obtain a dealer's license in addition to a retailer's license. **Fees for such license shall not exceed one hundred dollars annually per license;**

(2) A "dealer's license" shall be required of any person defined as a dealer in section 196.311. A holder of a dealer's license shall not, by virtue of such license, be authorized or permitted to sell eggs to consumers, and any dealer desiring to sell eggs to consumers shall obtain a retailer's license in addition to a dealer's license. **Fees for such license shall not exceed one hundred seventy-five dollars annually per license;**

(3) A "processor's license" shall be required of any person defined as a processor in section 196.311. A holder of a processor's license shall not, by virtue of such license, be authorized or permitted to sell eggs in the shell to other persons, and any person desiring to sell eggs in the shell to other persons shall obtain a dealer's license in addition to a processor's license. **Fees for such license shall not exceed two hundred fifty dollars annually per license.**

~~[2.The annual license fee shall be:—]~~

[(1)]	[Retailers]	[\$ 5.00]
[(2)]	[Dealers License fees for dealers shall be determined on the basis of cases (30 dozen per case) of eggs sold in the shell in any one week, as follows:]	
[(a)]	[1 to 25 cases]	[\$ 5.00]
[(b)]	[26 to 50 cases]	[12.50]
[(c)]	[51 to 100 cases]	[25.00]
[(d)]	[more than 100 cases]	[50.00]
[(3)]	[Processors License fees for processors shall be determined on the basis of cases (30 dozen per case) of eggs, or the equivalent in liquid or frozen eggs, processed in any one day, as follows:]	
[(a)]	[Less than 50 cases]	[\$ 25.00]
[(b)]	[More than 50 and less than 250 cases]	[50.00]
[(c)]	[More than 250 and less than 1000 cases]	[75.00]
[(d)]	[More than 1000 cases]	[100.00]

~~3-]~~ 2. All licenses shall be conspicuously posted in the place of business to which it applies. The license year shall be twelve months, or any fraction thereof, beginning July first and ending June thirtieth.

~~4-]~~ 3. No license shall be transferable, but it may be moved from one place to another by the consent of the director.

~~5-]~~ 4. All moneys received from license fees collected hereunder shall be deposited in the state treasury to the credit of the agriculture protection fund created in section 261.200.

256.800. CITATION OF LAW — DEFINITIONS — FLOOD RESILIENCY IMPROVEMENT FUND ESTABLISHED, USE OF MONEYS — PROGRAM ESTABLISHED, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Flood Resiliency Act".

2. As used in this section, unless the context otherwise requires, the following terms shall mean:

- (1) "Director", the director of the department of natural resources;**
- (2) "Flood resiliency measures", structural improvements, studies, and activities employed to improve flood resiliency in local to regional or multi-jurisdictional areas;**
- (3) "Flood resiliency project", a project containing planning, design, construction, or renovation of flood resiliency measures or the conduct of studies or activities in support of flood resiliency measures;**
- (4) "Partner", a political subdivision, entity, or person working in conjunction with a promoter to facilitate the completion of a flood resiliency project;**
- (5) "Plan", a preliminary report describing the need for, and implementation of, flood resiliency measures;**

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(6) "Promoter", any political subdivision of the state, or any levee district or drainage district organized or incorporated in the state.

3. (1) There is hereby established in the state treasury a fund to be known as the "Flood Resiliency Improvement Fund", which shall consist of all moneys deposited in such fund from any source, whether public or private. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely for the purposes of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(2) Upon appropriation, the department of natural resources shall use moneys in the fund created by this subsection for the purposes of carrying out the provisions of this section including, but not limited to, the provision of grants or other financial assistance and, if limitations or conditions are imposed, only upon such other limitations or conditions specified in the instrument that appropriates, grants, bequeaths, or otherwise authorizes the transmission of moneys to the fund.

4. In order to increase flood resiliency along the Missouri and Mississippi Rivers and their tributaries and improve statewide flood forecasting and monitoring ability, there is hereby established a "Flood Resiliency Program". The program shall be administered by the department of natural resources. The state may participate with a promoter in the development, construction, or renovation of a flood resiliency project if the promoter has a plan which has been submitted to and approved by the director, or the state may promote a flood resiliency project and initiate a plan on its own accord.

5. The plan shall include a description of the flood resiliency project, the need for the project, the flood resiliency measures to be implemented, the partners to be involved in the project, and other such information as the director may require to adequately evaluate the merit of the project.

6. The director shall only approve a plan upon a determination that long-term flood mitigation is needed in that area of the state and that such a plan proposes flood resiliency measures that will provide long-term flood resiliency.

7. Promoters with approved flood resiliency plans and their partners shall be eligible to receive any gifts, contributions, grants, or bequests from federal, state, private, or other sources for costs associated with flood resiliency projects that are part of such plans.

8. Promoters with approved flood resiliency plans and their partners may be granted moneys from the flood resiliency improvement fund under subsection 3 of this section for eligible costs associated with flood resiliency projects that are part of such plans.

9. The department of natural resources is hereby granted authority to promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

262.911. HARDWOOD PRODUCTS, PROMOTION OF — FUND CREATED, USE OF MONEYS — SUNSET PROVISION. — 1. The department of economic development shall promote Missouri hardwood forest products and educate the public on the value and benefits of such hardwood

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products. The department may contract with any statewide association dedicated to the promotion of Missouri hardwood forest products to satisfy the requirements of this section.

2. (1) There is hereby created in the state treasury the "Missouri Hardwood Forest Product Promotion Fund", which shall consist of any grants, gifts, devises, bequests, and moneys appropriated by the general assembly to the fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely to promote and educate about Missouri hardwood forest products as provided in this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — TRANSPORT OF SPECIFIC ITEMS, TOTAL GROSS WEIGHT PERMITTED — REQUIREMENTS DURING DISASTERS — SPECIFIC VEHICLES, MAXIMUM WEIGHT. — 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise					
	Maximum load in pounds				
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500

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30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the commission to enact the limitations

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established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, 10, 12, 13, and 14 of this section.

7. Notwithstanding any provision of this section to the contrary, the commission shall issue a single-use special permit, or upon request of the owner of the truck or equipment shall issue an annual permit, for the transporting of any crane or concrete pump truck or well-drillers' equipment. The commission shall set fees for the issuance of permits and parameters for the transport of cranes pursuant to this subsection. Notwithstanding the provisions of section 301.133, cranes, concrete pump trucks, or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the commission shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the department of transportation motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The commission shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly

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pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

12. Notwithstanding any provision of this section to the contrary, emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear-drive steer axle; except that, such emergency vehicles shall only operate on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

13. Notwithstanding any provision of this section to the contrary, a vehicle operated by an engine fueled primarily by natural gas may operate upon the public highways of this state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed eighty-two thousand pounds.

14. Notwithstanding any provision of law to the contrary, local log trucks and local log truck tractors, as defined in section 301.010, may be operated with a weight not exceeding twenty-two thousand four hundred pounds on one axle or a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, except the front steering axle shall not exceed fifteen thousand pounds or the gross vehicle weight rating set by the manufacturer, and may have a total weight of up to one hundred ~~five~~ **nine** thousand ~~six~~ **hundred** pounds. Provided however, when operating on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the radius from the forested site specified in section 301.010 with an extended distance local log truck permit, the vehicle shall not exceed the weight limits otherwise specified in this section.

323.100. INSPECTION OF LIQUID METERS — INACCURATE METERS CONDEMNED — FEE — REPORT — FEE SCHEDULE TO BE PUBLISHED. — 1. The director of the department of agriculture shall annually inspect and test all liquid meters used for the measurement and retail sale of liquefied petroleum gas and shall condemn all meters which are found to be inaccurate. All meters shall meet the tolerances and specifications of the National Institute of Standards and Technology Handbook 44, 1994 edition and supplements thereto. It is unlawful to use a meter for retail measurement and sale which has been condemned. All condemned meters shall be conspicuously marked "inaccurate", and the mark shall not be removed or defaced except upon authorization of the director of the department of agriculture or ~~his~~ **the director's** authorized representative. It is the duty of each person owning or in possession of a meter to pay to the director of the department of agriculture at the time of each test a testing fee ~~[of ten dollars. On January 1, 2014, the testing fee shall be twenty five dollars. On January 1, 2015, the testing fee shall be set at fifty dollars. On January 1, 2016, and annually thereafter,].~~ The director shall ascertain the total expenses for administering this section and shall set the testing fee at a rate to cover the expenses for the ensuing year but not to exceed ~~seventy-five~~ **four hundred** dollars.

2. On the first day of October, 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current testing fee, the expenses for administering this section for the previous calendar year, any proposed change to the testing fee, and estimated expenses for administering this section during the ensuing year. The proposed change to the testing fee shall not yield revenue greater than the total cost of administering this section during the ensuing year.

3. Beginning August 28, 2013, and each year thereafter, the director of the department of agriculture shall publish the testing fee schedule on the departmental website. The website shall be updated within thirty days of a change in the testing fee schedule set forth in this section.

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340.341. ELIGIBILITY STANDARDS FOR LOAN REPAYMENT PROGRAM — RULEMAKING AUTHORITY. — 1. The department shall adopt and promulgate rules establishing standards for determining eligible students for loan repayment pursuant to sections 340.335 to 340.350. Such standards shall include, but are not limited to the following:

- (1) Citizenship or lawful permanent residency in the United States;
 - (2) Residence in the state of Missouri;
 - (3) Enrollment as a full-time veterinary medical student in the final year of a course of study offered by an approved educational institution in Missouri;
 - (4) Application for loan repayment.
2. The department shall not grant repayment for more than ~~six~~ **twelve** veterinarians each year.

340.345. LOAN REPAYMENT TO INCLUDE PRINCIPAL, INTEREST AND RELATED EXPENSES — ANNUAL LIMIT. — 1. A loan payment provided for an individual pursuant to a written contract under the large animal veterinary medicine loan repayment program shall consist of payment on behalf of the individual of the principal, interest and related expenses on government and commercial loans received by the individual for tuition, fees, books, laboratory and living expenses incurred by the individual.

2. For each year of obligated services that an individual contracts to serve in an area of defined need, the department may pay up to ~~twenty~~ **thirty** thousand dollars on behalf of the individual for loans described in subsection 1 of this section.

3. The department may enter into an agreement with the holder of the loans for which repayments are made under the large animal veterinary medicine loan repayment program to establish a schedule for the making of such payments if the establishment of such a schedule would result in reducing the costs to the state.

4. Any qualifying communities providing a portion of a loan repayment shall be considered first for placement.

340.381. PROGRAM AND FUND CREATED, USE OF MONEYS. — 1. Sections 340.381 to 340.396 establish a student loan forgiveness program for approved veterinary students who practice in areas of defined need. Such program shall be known as the "Dr. Merrill Townley and Dr. Dan Brown Large Animal Veterinary Student Loan Program".

2. There is hereby created in the state treasury the "Veterinary Student Loan Payment Fund", which shall consist of general revenue appropriated to the large animal veterinary student loan program, voluntary contributions to support or match program activities, money collected under section 340.396, **any private grant, gift, donation, devise, or bequest of moneys, funds, real or personal property, or other assets**, and funds received from the federal government. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of sections 340.381 to 340.396. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

340.384. APPLICATION PROCEDURE — AMOUNT OF AWARD — NUMBER OF APPLICANTS TO BE AWARDED. — 1. Eligible students may apply to the department for financial assistance under the provisions of sections 340.381 to 340.396. If, at the time of application for a loan, a student has formally applied for acceptance at the college, receipt of financial assistance is contingent upon acceptance and continued enrollment at the college. A qualified applicant may receive financial assistance up to ~~twenty~~ **thirty** thousand dollars for each academic year he or she remains a student in

good standing at the college, provided that the cumulative total shall not exceed ~~[eighty]~~ **one hundred twenty** thousand dollars per qualified applicant. An eligible student may apply for financial assistance under this section at any point in his or her educational career at the college, however any such financial assistance shall only be awarded for current or future academic years, as applicable, and shall not be awarded for any academic year completed prior to the time of application.

2. Up to ~~[six]~~ **twelve** qualified applicants per academic year may be awarded loans under the provisions of sections 340.381 to 340.396. **The department may increase beyond twelve the number of qualified applicants that may be awarded such loans per academic year if the amount of any additional moneys from private grants, gifts, donations, devises, or bequests of moneys, funds, real or personal property, or other assets deposited in the veterinary student loan payment fund allows the full funding of such increase in the number of applicants.** Priority for loans shall be given to eligible students who have established financial need. All financial assistance shall be made from funds credited to the veterinary student loan payment fund.

340.387. CONTRACTS FOR ASSISTANCE — REPAYMENT — FORGIVENESS OF LOAN, WHEN.

— 1. The department of agriculture may enter into a contract with each qualified applicant receiving financial assistance under the provisions of sections 340.381 to 340.396. Such contract shall specify terms and conditions of loan forgiveness through qualified employment as well as terms and conditions for repayment of the principal and interest.

2. The department shall establish schedules for repayment of the principal and interest on any financial assistance made under the provisions of sections 340.381 to 340.396. Interest at a rate set by the department, with the advice of the advisory panel created in section ~~[340.341]~~ **340.375**, shall be charged from the time of the payment of financial assistance on all financial assistance made under the provisions of sections 340.381 to 340.396, but the interest and principal of the total financial assistance granted to a qualified applicant at the time of the successful completion of a doctor of veterinary medicine degree program shall be forgiven through qualified employment.

3. For each year of qualified employment that an individual contracts to serve in an area of defined need, the department shall forgive up to ~~[twenty]~~ **thirty** thousand dollars and accrued interest thereon on behalf of the individual for financial assistance provided under sections 340.381 to 340.396.

413.225. FEES — AMOUNT — DUE WHEN, INSPECTION OR CALIBRATION, FAILURE TO PAY FEE, EFFECT, PENALTY. — 1. There is established a fee for registration, inspection and calibration services performed by the division of weights and measures. The fees are due at the time the service is rendered and shall be paid to the director by the person receiving the service. The director shall collect fees according to the following schedule and shall deposit them with the state treasurer into the agriculture protection fund as set forth in section 261.200:

(1) ~~[From August 28, 2013, until the next January first, laboratory fees for metrology calibrations shall be at the rate of sixty dollars per hour for tolerance testing or precision calibration. Time periods over one hour shall be computed to the nearest one-quarter hour. On the first day of January, 2014, and each year thereafter,]~~ The director of agriculture shall ascertain the total receipts and expenses for the metrology calibrations during the preceding year and shall fix a fee schedule for the ensuing year ~~[at a rate per hour]~~ as will yield revenue not more than the total cost of operating the metrology laboratory during the ensuing year, but not to exceed ~~[one hundred twenty-five]~~ **five hundred dollars per calibration;**

(2) All device test fees charged shall include, but not be limited to, the following devices:

- (a) Small scales;
- (b) Vehicle scales;
- (c) Livestock scales;
- (d) Hopper scales;

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- (e) Railroad scales;
- (f) Monorail scales;
- (g) In-motion scales including but not limited to vehicle, railroad and belt conveyor scales;
- (h) Taximeters;
- (i) ~~[Timing devices;~~
- ~~(j) Fabric measuring devices;~~
- ~~(k) Wire and cordage measuring devices;~~
- ~~(l) Milk for quantity determination;~~
- ~~(m)~~ **(j)** Vehicle tank meters;
- ~~(n)~~ **(k)** Compressed natural gas meters;
- ~~(o)~~ **(l)** Liquefied natural gas meters;
- ~~(p)~~ **(m)** Electrical charging stations; and
- ~~(q)~~ **(n)** Hydrogen fuel meters;

(3) Devices that require participation in on-site field evaluations for National Type Evaluation Program Certification and all tests of in-motion scales shall be charged a fee, plus mileage from the inspector's official domicile to and from the inspection site. The time shall begin when the state inspector performing the inspection arrives at the site to be inspected and shall end when the final report is signed by the owner/operator and the inspector departs;

(4) Every person shall register each location of such person's place of business where devices or instruments are used to ascertain the moisture content of grains and seeds offered for sale, processing or storage in this state with the director and shall pay a registration fee for each location so registered and a fee for each additional device or instrument at such location. Thereafter, by January thirty-first of each year, each person who is required to register pursuant to this subdivision shall pay an annual fee for each location so registered and an additional fee for each additional machine at each location. The fee on newly purchased devices shall be paid within thirty days after the date of purchase. Application for registration of a place of business shall be made on forms provided by the director and shall require information concerning the make, model and serial number of the device and such other information as the director shall deem necessary. Provided, however, this subsection shall not apply to moisture-measuring devices used exclusively for the purpose of obtaining information necessary to manufacturing processes involving plant products. In addition to fees required by this subdivision, a fee shall be charged for each device subject to retest.

2. On the first day of January, 1995, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the testing of weighing and measuring devices referred to in subdivisions (2), (3), and (4) of subsection 1 of this section and shall fix the fees ~~[or rate per hour]~~ for such weighing and measuring devices to derive revenue not more than the total cost of the operation.

3. On the first day of October, 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current laboratory fees for metrology calibration, the expenses for administering this section for the previous calendar year, any proposed change to the laboratory fee structure, and estimated expenses for administering this section during the ensuing year. The proposed change to the laboratory fee structure shall not yield revenue greater than the total cost of administering this section during the ensuing year.

4. Beginning August 28, 2013, and each year thereafter, the director of the department of agriculture shall publish the laboratory fee schedule on the departmental website. The website shall be updated within thirty days of a change in the laboratory fee schedule set forth in this section.

5. Retests for any device within the same calendar year will be charged at the same rate as the initial test. Devices being retested in the same calendar year as a result of rejection and repair are exempt from the requirements of this subsection.

6. All device inspection fees shall be paid **at the time of service or** within thirty days of the issuance of the original invoice. Any fee not paid within ~~[ninety]~~ **thirty** days after the date of the original invoice

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will be cause for the director to deem the device as incorrect and it may be condemned and taken out of service, and may be seized by the director until all fees are paid.

7. No fee provided for by this section shall be required of any person owning or operating a moisture-measuring device or instrument who uses such device or instrument solely in agricultural or horticultural operations on such person's own land, and not in performing services, whether with or without compensation, for another person.

[60.421. ZONES, OFFICIAL NAMES. — 1. As established for use in the east zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, East Zone" or "Missouri Coordinate System of 1983, East Zone".

2. As established for use in the central zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, Central Zone" or "Missouri Coordinate System of 1983, Central Zone".

3. As established for use in the west zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, West Zone" or "Missouri Coordinate System of 1983, West Zone".]

[60.451. MISSOURI COORDINATE SYSTEM ZONES PRECISELY DEFINED. — 1. For the purpose of more precisely defining the Missouri coordinate system of 1927, the following definition by the United States Coast and Geodetic Survey is adopted:

(1) The Missouri coordinate system of 1927, east zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 90 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees—30 minutes west of Greenwich and the parallel 35 degrees—50 minutes north latitude. This origin is given the coordinates: $x = 500,000$ feet and $y = 0$ feet;

(2) The Missouri coordinate system of 1927, central zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 92 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees—30 minutes west of Greenwich and the parallel of 35 degrees—50 minutes north latitude. This origin is given the coordinates: $x = 500,000$ feet and $y = 0$ feet;

(3) The Missouri coordinate system of 1927, west zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 94 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees—30 minutes west of Greenwich and the parallel 36 degrees—10 minutes north latitude. This origin is given the coordinates: $x = 500,000$ feet and $y = 0$ feet.

2. For purposes of more precisely defining the Missouri coordinate system of 1983, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:

(1) The Missouri coordinate system 1983, east zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 90 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees—30 minutes west of Greenwich and the parallel 35 degrees—50 minutes north latitude. This origin is given the coordinates: $x = 250,000$ meters and $y = 0$ meters;

(2) The Missouri coordinate system 1983, central zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 92 degrees—30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is

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at the intersection of the meridian 92 degrees 30 minutes west of Greenwich and the parallel of 35 degrees 50 minutes north latitude. This origin is given the coordinates: $x = 500,000$ meters and $y = 0$ meters;

(3) ~~The Missouri coordinate system 1983, west zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 94 degrees 30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees 30 minutes west of Greenwich and the parallel 36 degrees 10 minutes north latitude. This origin is given the coordinates: $x = 850,000$ meters and $y = 0$ meters.~~

3. ~~The position of either Missouri coordinate system shall be as marked on the ground by horizontal control stations established in conformity with the standards adopted by the department of agriculture for first order and second order work, whose geodetic positions have been rigidly adjusted on the appropriate datum and whose coordinates have been computed on the system defined in this section. Any such station may be used for establishing a survey connection with the Missouri coordinate system.]~~

[60.491. MISSOURI COORDINATE SYSTEM OF 1983 TO BE SOLE SYSTEM AFTER JULY 1990.

— ~~The Missouri coordinate system of 1927 shall not be used after July, 1990; and the Missouri coordinate system of 1983 shall be the sole system after this date.]~~

[192.945. REGISTRATION CARDS ISSUED, REQUIREMENTS — DEFINITIONS — RECORDKEEPING — RULEMAKING. — 1. As used in this section, the following terms shall mean:

- (1) "Department", the department of health and senior services;
- (2) "Hemp extract", as such term is defined in section 195.207;
- (3) "Hemp extract registration card", a card issued by the department under this section;
- (4) "Intractable epilepsy", epilepsy that as determined by a neurologist does not respond to three or more treatment options overseen by the neurologist;
- (5) "Neurologist", a physician who is licensed under chapter 334 and board certified in neurology;
- (6) "Parent", a parent or legal guardian of a minor who is responsible for the minor's medical care;
- (7) "Registrant", an individual to whom the department issues a hemp extract registration card under this section.

2. ~~The department shall issue a hemp extract registration card to an individual who:~~

- (1) ~~Is eighteen years of age or older;~~
- (2) ~~Is a Missouri resident;~~
- (3) ~~Provides the department with a statement signed by a neurologist that:~~
 - (a) ~~Indicates that the individual suffers from intractable epilepsy and may benefit from treatment with hemp extract; and~~
 - (b) ~~Is consistent with a record from the neurologist concerning the individual contained in the database described in subsection 9 of this section;~~
- (4) ~~Pays the department a fee in an amount established by the department under subsection 6 of this section; and~~
- (5) ~~Submits an application to the department on a form created by the department that contains:~~
 - (a) ~~The individual's name and address;~~
 - (b) ~~A copy of the individual's valid photo identification; and~~
 - (c) ~~Any other information the department considers necessary to implement the provisions of this section.~~

3. ~~The department shall issue a hemp extract registration card to a parent who:~~

- (1) ~~Is eighteen years of age or older;~~
- (2) ~~Is a Missouri resident;~~

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- (3) Provides the department with a statement signed by a neurologist that:
 - (a) Indicates that a minor in the parent's care suffers from intractable epilepsy and may benefit from treatment with hemp extract; and
 - (b) Is consistent with a record from the neurologist concerning the minor contained in the database described in subsection 9 of this section;
- (4) Pays the department a fee in an amount established by the department under subsection 6 of this section; and
- (5) Submits an application to the department on a form created by the department that contains:
 - (a) The parent's name and address;
 - (b) The minor's name;
 - (c) A copy of the parent's valid photo identification; and
 - (d) Any other information the department considers necessary to implement the provisions of this section.
- 4. The department shall maintain a record of the name of each registrant and the name of each minor receiving care from a registrant.
- 5. The department shall promulgate rules to:
 - (1) Implement the provisions of this section including establishing the information the applicant is required to provide to the department and establishing in accordance with recommendations from the department of public safety the form and content of the hemp extract registration card; and
 - (2) Regulate the distribution of hemp extract from a cannabidiol oil care center to a registrant, which shall be in addition to any other state or federal regulations; and

The department may promulgate rules to authorize clinical trials involving hemp extract.

- 6. The department shall establish fees that are no greater than the amount necessary to cover the cost the department incurs to implement the provisions of this section.
- 7. The registration cards issued under this section shall be valid for one year and renewable if at the time of renewal the registrant meets the requirements of either subsection 2 or 3 of this section.
- 8. The neurologist who signs the statement described in subsection 2 or 3 of this section shall:
 - (1) Keep a record of the neurologist's evaluation and observation of a patient who is a registrant or minor under a registrant's care including the patient's response to hemp extract; and
 - (2) Transmit the record described in subdivision (1) of this subsection to the department.
- 9. The department shall maintain a database of the records described in subsection 8 of this section and treat the records as identifiable health data.
- 10. The department may share the records described in subsection 9 of this section with a higher education institution for the purpose of studying hemp extract.
- 11. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 14, 2014, shall be invalid and void.]

[192.947. HEMP EXTRACT, USE OF, IMMUNITY FROM LIABILITY, WHEN. — 1. No individual or health care entity organized under the laws of this state shall be subject to any adverse action by the state or any agency, board, or subdivision thereof, including civil or criminal prosecution, denial of any right or privilege, the imposition of a civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission if such individual or health care entity, in its normal course of business and within its applicable licenses and regulations, acts in good faith upon or

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~~in furtherance of any order or recommendation by a neurologist authorized under section 192.945 relating to the medical use and administration of hemp extract with respect to an eligible patient.~~

~~2. The provisions of subsection 1 of this section shall apply to the recommendation, possession, handling, storage, transfer, destruction, dispensing, or administration of hemp extract, including any act in preparation of such dispensing or administration.~~

~~3. Notwithstanding the provisions of section 538.210 or any other law to the contrary, any physician licensed under chapter 334, any hospital licensed under chapter 197, any pharmacist licensed under chapter 338, any nurse licensed under chapter 335, or any other person employed or directed by any of the above, which provides care, treatment or professional services to any patient under section 192.945 shall not be liable for any civil damages for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such physician, hospital, pharmacist, nurse, or person in rendering such care and treatment.]~~

[195.203. INDUSTRIAL HEMP, AUTHORIZATION TO GROW, HARVEST, CULTIVATE, AND PROCESS WITH VALID REGISTRATION. — Notwithstanding any other provision of this chapter or chapter 579 to the contrary, any person who has a valid industrial hemp registration as provided under section 195.746 may grow, harvest, cultivate, and process industrial hemp, as defined in section 195.010, in accordance with the requirements of such sections.]

[195.740. DEFINITIONS. — For the purposes of sections 195.740 to 195.773, the following terms shall mean:

(1) "Agricultural hemp propagule", any viable nonseed plant material used to cultivate industrial hemp including, but not limited to, transplants, cuttings, and clones;

(2) "Agricultural hemp seed", Cannabis sativa L. seed that meets any labeling, quality, or other standards set by the department of agriculture and that is intended for sale, is sold to, or is purchased by registered producers for planting;

(3) "Crop", industrial hemp grown under a single registration;

(4) "Department", the Missouri department of agriculture;

(5) "Indoor cultivation facility", any greenhouse or enclosed building or structure capable of continuous cultivation throughout the year that is not a residential building;

(6) "Industrial hemp plant monitoring system", a reporting system that includes, but is not limited to, testing, transfer reports, and data collection maintained by a producer or agricultural hemp propagule and seed permit holder and available to the department for purposes of monitoring viable industrial hemp cultivated as an agricultural product from planting to final sale or transfer as a publicly marketable hemp product;

(7) "Nonviable", plant material or agricultural hemp seed that is not capable of living or growing;

(8) "Produce", the cultivation and harvest of viable industrial hemp;

(9) "Producer", a person who is a Missouri resident, or an entity that is domiciled in this state, who grows or produces viable industrial hemp;

(10) "Publicly marketable product", any nonviable hemp material, including seed, stem, root, leaf, or floral material, that contains no material with a delta 9 tetrahydrocannabinol concentration exceeding three tenths of one percent on a dry weight basis.]

[195.743. VIABLE INDUSTRIAL HEMP IS AN AGRICULTURAL PRODUCT SUBJECT TO REGULATION BY DEPARTMENT.743. — Viable industrial hemp shall be an agricultural product that is subject to regulation by the department, including compliance with an industrial hemp plant monitoring system.]

[195.746. REGISTRATION AND PERMITS, REQUIREMENTS — APPLICATION, CONTENTS — ISSUANCE, WHEN. — ~~1. Any producer of industrial hemp shall obtain a registration from the department. Any producer of agricultural hemp shall ensure that all agricultural hemp propagules and agricultural hemp seed comply with any standards established by the department.~~

~~2. Any person who sells, distributes, or offers for sale any agricultural hemp propagule or agricultural hemp seed in the state shall obtain an agricultural hemp propagule and seed permit from the department. An agricultural hemp propagule and seed permit shall authorize a permit holder to sell, distribute, or offer for sale agricultural hemp propagules or agricultural hemp seed to registered producers or other permit holders. A permit holder is exempt from requirements in chapter 266 if he or she only sells, distributes, or offers for sale agricultural hemp propagules or agricultural hemp seed.~~

~~3. An application for an industrial hemp registration or agricultural hemp propagule and seed permit shall include:~~

- ~~(1) The name and address of the applicant;~~
- ~~(2) The name and address of the industrial hemp or agricultural hemp propagule or seed operation;~~
- ~~(3) For any industrial hemp registration, the global positioning system coordinates and legal description for the property used for the industrial hemp operation;~~
- ~~(4) The application fee, as determined by the department, in an amount sufficient to cover the administration, regulation, and enforcement costs associated with sections 195.740 to 195.773; and~~
- ~~(5) Any other information the department deems necessary.~~

~~4. The department shall issue a registration under this section to an applicant who meets the requirements of this section and section 195.749 and who satisfactorily completes a state and federal fingerprint criminal history background check under section 43.543. The department may charge an applicant an additional fee for the cost of the fingerprint criminal history background check in addition to the registration fee. If required by federal law, the department shall require an applicant for an agricultural hemp propagule and seed permit to comply with the fingerprint criminal history background check requirements of this subsection.~~

~~5. Upon issuance of a registration or permit, information regarding all producers and permit holders shall be forwarded to the Missouri state highway patrol.~~

~~6. An industrial hemp registration or agricultural hemp propagule and seed permit is:~~

- ~~(1) Nontransferable, except such registration or permit may be transferred to a person who otherwise meets the requirements of a registrant or permit holder, and the person may operate under the existing registration or permit until the registration or permit expires, at which time the renewal shall reflect the change of the registrant or permit holder;~~
- ~~(2) Valid for a three year term unless revoked by the department; and~~
- ~~(3) Renewable as determined by the department, if the registrant or permit holder is found to be in good standing.~~

~~7. Each individual parcel of ground or indoor cultivation facility with a separate legal description shall be required to obtain a separate registration unless the parcels are contiguous and owned by the same person of record.]~~

[195.749. REGISTRATION AND PERMIT, REVOCATION, REFUSAL TO ISSUE, REFUSAL TO RENEW, WHEN — PENALTY, AMOUNT. — ~~1. The department may revoke, refuse to issue, or refuse to renew an industrial hemp registration or agricultural hemp propagule and seed permit and may impose a civil penalty of not less than five hundred dollars or more than fifty thousand dollars for violation of:~~

- ~~(1) A registration or permit requirement, term, or condition;~~
- ~~(2) Department rules relating to the production of industrial hemp or an agricultural hemp propagule and seed permit;~~
- ~~(3) Any industrial hemp plant monitoring system requirement; or~~

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

~~(4) A final order of the department that is specifically directed to the producer or permit holder's industrial hemp operations or activities.~~

~~2. A registration or permit shall not be issued to a person who in the ten years immediately preceding the application date has been found guilty of, or pled guilty to, a felony offense under any state or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a controlled substance.~~

~~3. The department may revoke, refuse to issue, or refuse to renew an industrial hemp registration or agricultural hemp propagule and seed permit for failing to comply with any provision of this chapter, or for a violation of any department rule relating to agricultural operations or activities other than industrial hemp production.]~~

[195.752. ADMINISTRATIVE FINE, WHEN, AMOUNT. — ~~1. Any person producing industrial hemp who does not have a valid industrial hemp registration issued under section 195.746 may be subject to an administrative fine of five hundred dollars and may be fined one thousand dollars per day until such person destroys the industrial hemp crop. The Missouri state highway patrol shall certify such destruction to the department.~~

~~2. Any person selling, distributing, or offering for sale any agricultural hemp propagule or agricultural hemp seed in the state who does not have a valid agricultural hemp propagule and seed permit issued under section 195.746 may be subject to an administrative fine of five hundred dollars and may be fined one thousand dollars per day until such person obtains a valid permit.]~~

[195.756. PESTICIDES AND AGRICULTURAL CHEMICALS, USE OF — LIMITATIONS ON LIABILITY. — ~~Notwithstanding sections 281.050 and 281.101 to the contrary, in the production of industrial hemp consistent with sections 195.740 to 195.773, no retailer of pesticides as defined in 7 U.S.C. Section 136, or agricultural chemicals shall be liable for the sale, application, or handling of such products by a producer or applicator in any manner or for any purpose not approved by applicable state and federal agencies. No producer or applicator may use or apply pesticides or agricultural chemicals in the growing or handling of industrial hemp except as approved by state and federal law.]~~

[195.758. MONITORING SYSTEM, RECORDKEEPING REQUIREMENTS — INSPECTIONS, WHEN — DESTRUCTION OF CROP, WHEN — AERIAL SURVEILLANCE — COORDINATION WITH LOCAL LAW ENFORCEMENT — NONVIABLE HEMP NOT SUBJECT TO REGULATION. — ~~1. Every producer or permit holder shall be subject to an industrial hemp plant monitoring system and shall keep industrial hemp crop and agricultural hemp propagule and seed records as required by the department. The department may require an inspection or audit during any normal business hours for the purpose of ensuring compliance with:~~

- ~~(1) Any provision of sections 195.740 to 195.773;~~
- ~~(2) Department rules and regulations;~~
- ~~(3) Industrial hemp registration or agricultural hemp propagule and seed permit requirements, terms, or conditions;~~
- ~~(4) Any industrial hemp plant monitoring system requirement; or~~
- ~~(5) A final department order directed to the producer's or permit holder's industrial hemp or agricultural hemp propagule and seed operations or activities.~~

~~2. In addition to any inspection conducted under subsection 1 of this section, the department may inspect any industrial hemp crop during the crop's growth phase and take a representative sample for field analysis. If a crop contains an average delta 9 tetrahydrocannabinol concentration exceeding three-tenths of one percent or the maximum concentration allowed under federal law, whichever is greater, on a dry weight basis, the department may retest the crop. If the second test indicates that a crop contains an average delta 9 tetrahydrocannabinol concentration exceeding three tenths of one percent or the~~

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maximum concentration allowed under federal law, whichever is greater, on a dry-weight basis, the department may order any producer to destroy the crop.

3. If such crop is not destroyed within fifteen days of the producer being notified by the department by certified mail that the crop contains concentrations exceeding those set forth in subsection 2 of this section, and directing the producer to destroy the crop, such producer shall be subject to a fine of five thousand dollars per day until such crop is destroyed. No such penalty or fine shall be imposed prior to the expiration of the fifteen-day notification period.

4. The Missouri state highway patrol may, at its own expense, perform aerial surveillance to ensure illegal industrial hemp plants are not being cultivated on or near legal, registered industrial hemp plantings.

5. The Missouri state highway patrol may coordinate with local law enforcement agencies to certify the destruction of illegal industrial hemp plants.

6. The department shall notify the Missouri state highway patrol and local law enforcement agencies of the need to certify that a crop of industrial hemp deemed illegal through field analysis has been destroyed.

7. Unless required by federal law, the department shall not regulate the sale or transfer of nonviable hemp including, but not limited to, stripped stalks, fiber, dried roots, nonviable leaf material, nonviable floral material, nonviable seeds, seed oils, floral and plant extracts, unadulterated forage, and other marketable agricultural hemp products to members of the general public both within and outside the state.]

[195.764. FEES, AMOUNT, USE OF — FUND CREATED. — 1. The department may charge producers and permit holders reasonable fees as determined by the department for the purposes of administering sections 195.740 to 195.773. Fees charged for purposes of administering sections 195.740 to 195.773 shall only be used to administer such sections, and shall not provide additional revenue for the department to use to administer any other program or provide staff to the department for any other program. All fees collected under sections 195.740 to 195.773 shall be deposited in the industrial hemp fund created under this section for use by the department to administer sections 195.740 to 195.773.

2. There is hereby created in the state treasury the "Industrial Hemp Fund", which shall consist of any grants, gifts, donations, bequests, or money collected under sections 195.740 to 195.773. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of agriculture for the purpose of administering such sections, including reimbursing the Missouri state highway patrol for the enforcement of such sections. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.]

[195.767. RESEARCH AND STUDY OF INDUSTRIAL HEMP BY INSTITUTIONS OF HIGHER EDUCATION PERMITTED, REGISTRATION AND PERMIT NOT REQUIRED. — An institution of higher education may engage in the research and study of the growth, cultivation, or marketing of industrial hemp as authorized by Section 7606 of the federal Agricultural Act of 2014, Pub. L. 113-79, or any successor law. Institutions of higher education shall not be required to obtain a registration for the production of industrial hemp from the department as set forth in sections 195.746 and 195.749.]

[195.773. DEPARTMENT DUTIES — RULEMAKING AUTHORITY. — 1. The department of agriculture shall execute its responsibilities relating to the cultivation of industrial hemp in the most cost-

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efficient manner possible, including in establishing permit and registration fees. For the purpose of testing industrial hemp for pesticides, the department shall explore the option of transporting samples from Missouri to departments of agriculture or testing laboratories in contiguous states, which participate in an agricultural pilot program authorized by the federal Agricultural Act of 2014, or any state program authorized by successor federal law. All transport between states shall be in compliance with the federal Agricultural Act of 2014, or any successor federal law, as well as any other applicable state and federal law.

2. The department shall promulgate rules necessary to administer the provisions of sections 195.740 to 195.773. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.]

[261.265. LICENSE ISSUANCE, TO WHOM — GROWER MAY PRODUCE, MANUFACTURE, AND DISTRIBUTE, WHEN — RECORDKEEPING — INSPECTIONS — RULEMAKING — CIVIL PENALTY. — 1. For purposes of this section, the following terms shall mean:

(1) ~~"Cannabidiol oil care center", the premises specified in an application for a cultivation and production facility license in which the licensee is authorized to distribute processed hemp extract to persons possessing a hemp extract registration card issued under section 192.945;~~

(2) ~~"Cultivation and production facility", the land and premises specified in an application for a cultivation and production facility license on which the licensee is authorized to grow, cultivate, process, and possess hemp and hemp extract;~~

(3) ~~"Cultivation and production facility license", a license that authorizes the licensee to grow, cultivate, process, and possess hemp and hemp extract, and distribute hemp extract to its cannabidiol oil care centers;~~

(4) ~~"Department", the department of agriculture;~~

(5) ~~"Grower", a nonprofit entity issued a cultivation and production facility license by the department of agriculture that produces hemp extract for the treatment of intractable epilepsy;~~

(6) ~~"Hemp":~~

~~(a) All nonseed parts and varieties of the cannabis sativa plant, whether growing or not, that contain a crop-wide average tetrahydrocannabinol (THC) concentration that does not exceed the lesser of:~~

~~a. Three tenths of one percent on a dry weight basis; or~~

~~b. The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801, et seq.;~~

~~(b) Any cannabis sativa seed that is:~~

~~a. Part of a growing crop;~~

~~b. Retained by a grower for future planting; or~~

~~c. For processing into or use as agricultural hemp seed.~~

~~This term shall not include industrial hemp commodities or products;~~

~~(7) "Hemp monitoring system", an electronic tracking system that includes, but is not limited to, testing and data collection established and maintained by the cultivation and production facility and is available to the department for the purposes of documenting the hemp extract production and retail sale of the hemp extract.~~

2. The department shall issue a cultivation and production facility license to a nonprofit entity to grow or cultivate the cannabis plant used to make hemp extract as defined in subsection 1 of section 195.207 or hemp on the entity's property if the entity has submitted to the department an application as

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required by the department under subsection 7 of this section, the entity meets all requirements of this section and the department's rules, and there are fewer than two licensed cultivation and production facilities operating in the state.

3. A grower may produce and manufacture hemp and hemp extract, and distribute hemp extract as defined in section 195.207 for the treatment of persons suffering from intractable epilepsy as defined in section 192.945 consistent with any and all state or federal regulations regarding the production, manufacture, or distribution of such product. The department shall not issue more than two cultivation and production facility licenses for the operation of such facilities at any one time.

4. The department shall maintain a list of growers.

5. All growers shall keep records in accordance with rules adopted by the department. Upon at least three days' notice, the director of the department may audit the required records during normal business hours. The director may conduct an audit for the purpose of ensuring compliance with this section.

6. In addition to an audit conducted in accordance with subsection 5 of this section, the director may inspect independently, or in cooperation with the state highway patrol or a local law enforcement agency, any hemp crop during the crop's growth phase and take a representative composite sample for field analysis. If a crop contains an average tetrahydrocannabinol (THC) concentration exceeding the lesser of:

(1) Three tenths of one percent on a dry weight basis; or

(2) The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801, et seq.,
the director may detain, seize, or embargo the crop.

7. The department shall promulgate rules including, but not limited to:

(1) Application requirements for licensing, including requirements for the submission of fingerprints and the completion of a criminal background check;

(2) Security requirements for cultivation and production facility premises, including, at a minimum, lighting, physical security, video and alarm requirements;

(3) Rules relating to hemp monitoring systems as defined in this section;

(4) Other procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications of the premises;

(5) Requirements that any hemp extract received from a legal source be submitted to a testing facility designated by the department to ensure that such hemp extract complies with the provisions of section 195.207 and to ensure that the hemp extract does not contain any pesticides. Any hemp extract that is not submitted for testing or which after testing is found not to comply with the provisions of section 195.207 shall not be distributed or used and shall be submitted to the department for destruction; and

(6) Rules regarding the manufacture, storage, and transportation of hemp and hemp extract, which shall be in addition to any other state or federal regulations.

8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 14, 2014.

9. All hemp waste from the production of hemp extract shall either be destroyed, recycled by the licensee at the hemp cultivation and production facility, or donated to the department or an institution of higher education for research purposes, and shall not be used for commercial purposes.

~~10. In addition to any other liability or penalty provided by law, the director may revoke or refuse to issue or renew a cultivation and production facility license and may impose a civil penalty on a grower for any violation of this section, or section 192.945 or 195.207. The director may not impose a civil penalty under this section that exceeds two thousand five hundred dollars.]~~

Approved July 6, 2023

SS HB 402

Enacts provisions relating to health care.

AN ACT to repeal sections 67.145, 105.500, 190.100, 190.103, 190.134, 190.142, 190.147, 190.600, 190.603, 190.606, 190.612, 191.305, 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 192.745, 192.2405, 194.300, 195.070, 195.100, 196.1050, 197.005, 197.020, 205.375, 208.030, 208.1032, 285.040, 321.225, 321.620, 334.036, 334.104, 334.735, 334.747, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 537.037, 632.305, 650.320, 650.340, 701.336, 701.340, 701.342, 701.344, and 701.348, RSMo, and to enact in lieu thereof seventy-four new sections relating to health care.

SECTION

- A Enacting clause.
- 9.384 Rare kidney disease awareness month designated for month of March.
- 67.145 First responders, political activity while off duty and not in uniform, political subdivisions not to prohibit — first responder defined.
- 105.500 Definitions.
- 190.100 Definitions.
- 190.103 Regional EMS medical director, powers, duties — considered public official, when — online telecommunication medical direction permitted — treatment protocols for special needs patients.
- 190.142 Emergency medical technician license, requirements — rules.
- 190.147 Behavioral health patients — temporary hold, when — memorandum of understanding, contents — physical restraints, use of.
- 190.600 Citation of act — definitions.
- 190.603 Outside the hospital do-not-resuscitate order may be executed, when — maintained in medical records — transfers with patient.
- 190.606 Immunity from liability, what persons and entities.
- 190.612 Emergency medical services personnel to comply with order, when — physician to transfer patient, when.
- 190.613 Out-of-state order, physician may execute order, when.
- 191.240 Patient examinations, limitation on performance of, when — notice — violation, sanction of license.
- 191.305 Missouri genetic advisory committee created — purpose — appointment, terms — qualifications — expenses.
- 191.430 Program established, purpose — department duties.
- 191.435 Need for health care areas to be designated.
- 191.440 Contracts for forgivable loans, contents — practice sites, stipulation of.
- 191.445 Fund created, use of moneys.

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Matter in bold-face type is proposed language.

- 191.450 Failure to maintain acceptable employment status, liable for loan amount — recovery amount.
- 191.600 Loan repayment program established — health professional student loan repayment program fund established — use.
- 191.828 Evaluations, effect of initiatives.
- 191.831 Health initiatives fund established, use — Alt-care pilot program, components — participation may be required.
- 191.1820 Citation of law — definitions.
- 191.1825 Registry established, purpose — start date — notification to patients.
- 191.1830 Registry advisory committee established — members.
- 191.1835 Collection and dissemination of information, system established — list of data points — reporting requirements, medical providers.
- 191.1840 Furnishing registry data, agreements, requirements — confidentiality.
- 191.1845 Confidentiality of information — coding system — recordkeeping.
- 191.1850 Facility-based registries not preempted.
- 191.1855 Report to general assembly, contents, publishing of.
- 192.530 Nonopioid directive form — definitions — requirements.
- 192.745 Advisory council established — members, terms, appointment, meetings, expenses — chairman — duties.
- 192.2405 Mandatory reporters--penalty for failure to report.
- 194.300 Organ donation advisory committee established, appointment, qualifications, expenses, terms.
- 195.070 Prescriptive authority.
- 195.100 Labeling requirements.
- 196.1050 Opioid addiction treatment, any opioid-related settlement moneys to be used for — fund established.
- 197.005 Medicare conditions of participation compliance, deemed compliance with hospital licensure standards.
- 197.020 Definitions.
- 197.145 At-risk behavioral health patient may be detained, when — immunity from liability, when.
- 197.185 Surgical smoke plume evacuation system — definitions — requirements.
- 205.375 Nursing homes, county or township may acquire and erect — issuance of bonds, exceptions — leasing of homes, to whom.
- 205.377 Sale of nursing home, requirements.
- 208.030 Supplemental welfare assistance, eligibility for — amount, how determined — reduction of supplemental payment prohibited, when.
- 208.1032 Intergovernmental transfer program — increased reimbursement for services, when — participation requirements.
- 285.040 Public safety employees — residency requirements (City of St. Louis).
- 321.225 Emergency ambulance services, may provide — election — tax levy — additional tax levy, paramedic first responder program — defeat of levy, old levy to remain in effect — emergency, defined.
- 321.620 Ambulance services may be provided — emergency, defined — election held when, procedure to call — additional tax levy, paramedic first responder program, amount — if tax levy fails, old levy to remain in effect.
- 334.036 Assistant physicians — definitions — limitation on practice — licensure, rulemaking authority — collaborative practice arrangements — insurance reimbursement.
- 334.104 Collaborative practice arrangements, form, contents, delegation of authority — rules, approval, restrictions — disciplinary actions — notice of collaborative practice or physician assistant agreements to board, when — certain nurses may provide anesthesia services, when — contract limitations.

- 334.735 Definitions — scope of practice — prohibited activities — board of healing arts to administer licensing program — duties and liability of physicians — collaborative practice arrangement requirements.
- 334.747 Prescribing controlled substances authorized, when — collaborating physicians — certification.
- 335.016 Definitions.
- 335.019 Prescriptive authority, when — certificate of controlled substance prescriptive authority, issued when.
- 335.036 Duties of board — fees set, how — fund, source, use, funds transferred from, when — rulemaking.
- 335.046 License, application for — qualifications for, fee — hearing on denial of license.
- 335.051 Reciprocity — license without examination, temporary license, when.
- 335.056 Renewal of license, when due, fee — unlicensed practice prohibited — APRN renewal, requirements.
- 335.076 Titles, RN, LPN, and APRN, who may use.
- 335.086 Use of fraudulent credentials prohibited.
- 335.175 Utilization of telehealth by nurses established.
- 335.203 Nursing education incentive program established — grants authorized, eligibility — administration — rulemaking authority.
- 335.205 Licensure, surcharge, amount.
- 537.037 Emergency care, no civil liability, exceptions (Good Samaritan law).
- 579.088 Fentanyl, devices to detect the presence of permitted.
- 630.1150 Foster children with mental illness, continued hospitalization of — collaborative project, requirements — interim report — expiration date.
- 632.305 Detention for evaluation and treatment, who may request — procedure — duration — disposition after application.
- 650.320 Definitions.
- 650.340 911 training and standards — requirements.
- 701.336 Department to cooperate with federal government — information to be provided to certain persons — lead testing of children, strategy to increase number.
- 701.340 Childhood lead testing program — education to parents — test to be used — parental objection.
- 701.342 High risk areas identified — assessment and testing requirements — laboratory reporting — additional testing required, when.
- 701.344 Evidence of lead poisoning testing required for child care facilities located in high risk areas — no denial of access to education permitted.
- 701.348 Political subdivisions or state agency may provide more stringent requirements.
- 190.134 Dispatch agency, requirements.
- 191.500 Definitions.
- 191.505 Department of health and senior services to administer — may make rules and regulations.
- 191.510 Contracts for loans to include terms.
- 191.515 Requirements for application.
- 191.520 Maximum amount of loans — source of funds.
- 191.525 Number of loans available — to whom — length of loans.
- 191.530 Interest on loans — repayment terms — temporary deferral.
- 191.535 Termination of course of study, effect.
- 191.540 Repayment schedules — breach of contract.
- 191.545 Recovery — actions for.
- 191.550 Approval of contracts.
- 335.212 Definitions.

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Matter in bold-face type is proposed language.

- 335.215 Department of health and senior services to administer programs — advisory panel — members — rules, procedure.
- 335.218 Nurse loan repayment fund established — administration.
- 335.221 Education surcharge, amount, deposit in nursing student loan and nurse loan repayment fund.
- 335.224 Contracts for repayment of loans.
- 335.227 Eligibility for loan.
- 335.230 Financial assistance, amount.
- 335.233 Schedule for repayment of loan — interest, amount.
- 335.236 Repayment of loan — when.
- 335.239 Deferral of repayment of loans — when.
- 335.242 Action to recover loans due.
- 335.245 Definitions.
- 335.248 Department of health and senior services to administer program — rules and regulations.
- 335.251 Loan repayment contract — qualified employment — recovery of amounts due.
- 335.254 Law not to require certain contracts.
- 335.257 Verification of qualified employment.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION. A. ENACTING CLAUSE. — Sections 67.145, 105.500, 190.100, 190.103, 190.134, 190.142, 190.147, 190.600, 190.603, 190.606, 190.612, 191.305, 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 192.745, 192.2405, 194.300, 195.070, 195.100, 196.1050, 197.005, 197.020, 205.375, 208.030, 208.1032, 285.040, 321.225, 321.620, 334.036, 334.104, 334.735, 334.747, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 537.037, 632.305, 650.320, 650.340, 701.336, 701.340, 701.342, 701.344, and 701.348, RSMo, are repealed and seventy-four new sections enacted in lieu thereof, to be known as sections 9.384, 67.145, 105.500, 190.100, 190.103, 190.142, 190.147, 190.600, 190.603, 190.606, 190.612, 190.613, 191.240, 191.305, 191.430, 191.435, 191.440, 191.445, 191.450, 191.600, 191.828, 191.831, 191.1820, 191.1825, 191.1830, 191.1835, 191.1840, 191.1845, 191.1850, 191.1855, 192.530, 192.745, 192.2405, 194.300, 195.070, 195.100, 196.1050, 197.005, 197.020, 197.145, 197.185, 205.375, 205.377, 208.030, 208.1032, 285.040, 321.225, 321.620, 334.036, 334.104, 334.735, 334.747, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 335.203, 335.205, 537.037, 579.088, 630.1150, 632.305, 650.320, 650.340, 701.336, 701.340, 701.342, 701.344, and 701.348, to read as follows:

9.384. RARE KIDNEY DISEASE AWARENESS MONTH DESIGNATED FOR MONTH OF MARCH. — The month of March of each year shall be known and designated as "Rare Kidney Disease Awareness Month". More than one in seven people is estimated to have rare kidney disease. Ninety percent of patients with rare kidney disease stages 1-3 are undiagnosed. Rare kidney disease, when diagnosed, is often found in late stages after irreversible damage to the kidneys has already occurred. People who inherit two variants of the APOL1 gene are at a significantly increased risk of developing kidney disease. These risk variants are found exclusively in people of sub-Saharan African ancestry. It is recommended to the people of the state and to state departments that the month be appropriately observed through activities that will increase awareness of rare kidney disease, available screening and genetic testing options, and efforts to improve treatment for patients.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

67.145. FIRST RESPONDERS, POLITICAL ACTIVITY WHILE OFF DUTY AND NOT IN UNIFORM, POLITICAL SUBDIVISIONS NOT TO PROHIBIT — FIRST RESPONDER DEFINED. — 1. No political subdivision of this state shall prohibit any first responder from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

2. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, ~~[ambulance attendants and attendant drivers,]~~ emergency medical technicians, ~~[mobile emergency medical technicians, emergency medical technician paramedics,]~~ registered nurses, or physicians.

105.500. DEFINITIONS. — For purposes of sections 105.500 to 105.598, unless the context otherwise requires, the following words and phrases mean:

(1) "Bargaining unit", a unit of public employees at any plant or installation or in a craft or in a function of a public body that establishes a clear and identifiable community of interest among the public employees concerned;

(2) "Board", the state board of mediation established under section 295.030;

(3) "Department", the department of labor and industrial relations established under section 286.010;

(4) "Exclusive bargaining representative", an organization that has been designated or selected, as provided in section 105.575, by a majority of the public employees in a bargaining unit as the representative of such public employees in such unit for purposes of collective bargaining;

(5) "Labor organization", any organization, agency, or public employee representation committee or plan, in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public body or public bodies concerning collective bargaining, grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(6) "Public body", the state of Missouri, or any officer, agency, department, bureau, division, board or commission of the state, or any other political subdivision or special district of or within the state. Public body shall not include the department of corrections;

(7) "Public employee", any person employed by a public body;

(8) "Public safety labor organization", a labor organization wholly or primarily representing persons trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, ~~[ambulance attendants, attendant drivers,]~~ emergency medical technicians, ~~[emergency medical technician paramedics,]~~ dispatchers, registered nurses and physicians, and persons who are vested with the power of arrest for criminal code violations including, but not limited to, police officers, sheriffs, and deputy sheriffs.

190.100. DEFINITIONS. — As used in sections 190.001 to 190.245 and section 190.257, the following words and terms mean:

(1) "Advanced emergency medical technician" or "AEMT", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

(2) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(3) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the

transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(4) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(5) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;

(6) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(7) "Council", the state advisory council on emergency medical services;

(8) "Department", the department of health and senior services, state of Missouri;

(9) "Director", the director of the department of health and senior services or the director's duly authorized representative;

(10) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(11) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(12) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course ~~meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245~~ **and any ongoing training requirements under section 650.340;**

(13) "Emergency medical responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(14) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(15) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(16) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

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(17) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

~~(18) ["Emergency medical technician basic" or "EMT B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;~~

~~(19)~~ "Emergency medical technician-community paramedic", "community paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

~~[(20) "Emergency medical technician-paramedic" or "EMT P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;~~

~~(21)~~ (19) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

~~[(22)]~~ (20) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

~~[(23)]~~ (21) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

~~[(24)]~~ (22) "Medical control", supervision provided by or under the direction of physicians, or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;

~~[(25)]~~ (23) "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

~~[(26)]~~ (24) "Medical director", a physician licensed pursuant to chapter 334 designated by the ambulance service, **dispatch agency**, or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

~~[(27)]~~ (25) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(26) **"Paramedic", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;**

~~[(28)]~~ (27) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

~~[(29)]~~ (28) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

~~[(30)]~~ (29) "Physician", a person licensed as a physician pursuant to chapter 334;

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~~[(34)]~~ **(30)** "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

~~[(32)]~~ **(31)** "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, ~~[EMT-B's]~~ **EMTs**, nurses, ~~[EMT-P's]~~ **paramedics**, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

~~[(33)]~~ **(32)** "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

~~[(34)]~~ **(33)** "Protocol", a predetermined, written medical care guideline, which may include standing orders;

~~[(35)]~~ **(34)** "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

~~[(36)]~~ **(35)** "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

~~[(37)]~~ **(36)** "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

~~[(38)]~~ **(37)** "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

~~[(39)]~~ **(38)** "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

~~[(40)]~~ **(39)** "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

~~[(41)]~~ **(40)** "STEMI care", includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

~~[(42)]~~ **(41)** "STEMI center", a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

~~[(43)]~~ **(42)** "Stroke", a condition of impaired blood flow to a patient's brain as defined by the department;

~~[(44)]~~ **(43)** "Stroke care", includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or

treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

~~[(45)]~~ (44) "Stroke center", a hospital that is currently designated as such by the department;

~~[(46)]~~ (45) "Time-critical diagnosis", trauma care, stroke care, and STEMI care occurring either outside of a hospital or in a center designated under section 190.241;

~~[(47)]~~ (46) "Time-critical diagnosis advisory committee", a committee formed under section 190.257 to advise the department on policies impacting trauma, stroke, and STEMI center designations; regulations on trauma care, stroke care, and STEMI care; and the transport of trauma, stroke, and STEMI patients;

~~[(48)]~~ (47) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

~~[(49)]~~ (48) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

~~[(50)]~~ (49) "Trauma center", a hospital that is currently designated as such by the department.

190.103. REGIONAL EMS MEDICAL DIRECTOR, POWERS, DUTIES — CONSIDERED PUBLIC OFFICIAL, WHEN — ONLINE TELECOMMUNICATION MEDICAL DIRECTION PERMITTED — TREATMENT PROTOCOLS FOR SPECIAL NEEDS PATIENTS. — 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director.

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The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors and the state EMS medical director elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to AEMTs, ~~[EMT-Bs, EMT-Ps]~~ **EMTs, paramedics**, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including AEMTs, ~~[EMT-Bs, EMT-Ps]~~ **EMTs, paramedics**, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. The state EMS medical directors advisory committee shall review and make recommendations regarding all proposed community and regional time-critical diagnosis plans.

12. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to AEMTs, ~~[EMT-Bs, EMT-Ps]~~ **EMTs, paramedics**, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

190.142. EMERGENCY MEDICAL TECHNICIAN LICENSE, REQUIREMENTS — RULES. — 1.

(1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license.

(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, in recognition of the EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check

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from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Emergency medical technician and paramedic education and training requirements based on respective National Emergency Medical Services Education Standards and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Paramedic accreditation requirements. Paramedic training programs shall be accredited ~~[by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter of review]~~ **as required by the National Registry of Emergency Medical Technicians;**

(4) Initial licensure testing requirements. Initial ~~[EMT-P]~~ **paramedic** licensure testing shall be through the national registry of EMTs;

(5) Continuing education and relicensure requirements; and

(6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

190.147. BEHAVIORAL HEALTH PATIENTS — TEMPORARY HOLD, WHEN —
MEMORANDUM OF UNDERSTANDING, CONTENTS — PHYSICAL RESTRAINTS, USE OF. — 1. ~~[An~~
~~emergency medical technician paramedic (EMT-P)]~~ **A paramedic** may make a good faith determination that such behavioral health patients who present a likelihood of serious harm to themselves or others, as the term "likelihood of serious harm" is defined under section 632.005, or who are significantly incapacitated by alcohol or drugs shall be placed into a temporary hold for the sole purpose of transport to the nearest appropriate facility; provided that, such determination shall be made in cooperation with at least one other ~~[EMT-P]~~ **paramedic** or other health care professional involved in the transport. Once in a temporary hold, the patient shall be treated with humane care in a manner that preserves human dignity, consistent with applicable federal regulations and nationally recognized

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guidelines regarding the appropriate use of temporary holds and restraints in medical transport. Prior to making such a determination:

(1) The ~~[EMT-P]~~ **paramedic** shall have completed a standard crisis intervention training course as endorsed and developed by the state EMS medical director's advisory committee;

(2) The ~~[EMT-P]~~ **paramedic** shall have been authorized by his or her ground or air ambulance service's administration and medical director under subsection 3 of section 190.103; and

(3) The ~~[EMT-Ps]~~ **paramedic** ground or air ambulance service has developed and adopted standardized triage, treatment, and transport protocols under subsection 3 of section 190.103, which address the challenge of treating and transporting such patients. Provided:

(a) That such protocols shall be reviewed and approved by the state EMS medical director's advisory committee; and

(b) That such protocols shall direct the ~~[EMT-P]~~ **paramedic** regarding the proper use of patient restraint and coordination with area law enforcement; and

(c) Patient restraint protocols shall be based upon current applicable national guidelines.

2. In any instance in which a good faith determination for a temporary hold of a patient has been made, such hold shall be made in a clinically appropriate and adequately justified manner, and shall be documented and attested to in writing. The writing shall be retained by the ambulance service and included as part of the patient's medical file.

3. ~~[EMT-Ps]~~ **Paramedics** who have made a good faith decision for a temporary hold of a patient as authorized by this section shall no longer have to rely on the common law doctrine of implied consent and therefore shall not be civilly liable for a good faith determination made in accordance with this section and shall not have waived any sovereign immunity defense, official immunity defense, or Missouri public duty doctrine defense if employed at the time of the good faith determination by a government employer.

4. Any ground or air ambulance service that adopts the authority and protocols provided for by this section shall have a memorandum of understanding with applicable local law enforcement agencies in order to achieve a collaborative and coordinated response to patients displaying symptoms of either a likelihood of serious harm to themselves or others or significant incapacitation by alcohol or drugs, which require a crisis intervention response. The memorandum of understanding shall include, but not be limited to, the following:

(1) Administrative oversight, including coordination between ambulance services and law enforcement agencies;

(2) Patient restraint techniques and coordination of agency responses to situations in which patient restraint may be required;

(3) Field interaction between paramedics and law enforcement, including patient destination and transportation; and

(4) Coordination of program quality assurance.

5. The physical restraint of a patient by an emergency medical technician under the authority of this section shall be permitted only in order to provide for the safety of bystanders, the patient, or emergency personnel due to an imminent or immediate danger, or upon approval by local medical control through direct communications. Restraint shall also be permitted through cooperation with on-scene law enforcement officers. All incidents involving patient restraint used under the authority of this section shall be reviewed by the ambulance service physician medical director.

190.600. CITATION OF ACT — DEFINITIONS. — 1. Sections 190.600 to 190.621 shall be known and may be cited as the "Outside the Hospital Do-Not-Resuscitate Act".

2. As used in sections 190.600 to 190.621, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Attending physician":

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(a) A physician licensed under chapter 334 selected by or assigned to a patient who has primary responsibility for treatment and care of the patient; or

(b) If more than one physician shares responsibility for the treatment and care of a patient, one such physician who has been designated the attending physician by the patient or the patient's representative shall serve as the attending physician;

(2) "Cardiopulmonary resuscitation" or "CPR", emergency medical treatment administered to a patient in the event of the patient's cardiac or respiratory arrest, and shall include cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, defibrillation, administration of cardiac resuscitation medications, and related procedures;

(3) "Department", the department of health and senior services;

(4) "Emergency medical services personnel", paid or volunteer firefighters, law enforcement officers, first responders, emergency medical technicians, or other emergency service personnel acting within the ordinary course and scope of their professions, but excluding physicians;

(5) "Health care facility", any institution, building, or agency or portion thereof, private or public, excluding federal facilities and hospitals, whether organized for profit or not, used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any person or persons. Health care facility includes but is not limited to ambulatory surgical facilities, health maintenance organizations, home health agencies, hospices, infirmaries, renal dialysis centers, long-term care facilities licensed under sections 198.003 to 198.186, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, and residential treatment facilities;

(6) "Hospital", a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more nonrelated individuals. Hospital does not include any long-term care facility licensed under sections 198.003 to 198.186;

(7) "Outside the hospital do-not-resuscitate identification" or "outside the hospital DNR identification", a standardized identification card, bracelet, or necklace of a single color, form, and design as described by rule of the department that signifies that the patient's attending physician has issued an outside the hospital do-not-resuscitate order for the patient and has documented the grounds for the order in the patient's medical file;

(8) "Outside the hospital do-not-resuscitate order" or "outside the hospital DNR order", a written physician's order signed by the patient and the attending physician, or the patient's representative and the attending physician, in a form promulgated by rule of the department which authorizes emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from the patient in the event of cardiac or respiratory arrest;

(9) "Outside the hospital do-not-resuscitate protocol" or "outside the hospital DNR protocol", a standardized method or procedure promulgated by rule of the department for the withholding or withdrawal of cardiopulmonary resuscitation by emergency medical services personnel from a patient in the event of cardiac or respiratory arrest;

(10) "Patient", a person eighteen years of age or older who is not incapacitated, as defined in section 475.010, and who is otherwise competent to give informed consent to an outside the hospital do-not-resuscitate order at the time such order is issued, and who, with his ~~or her~~ attending physician, has executed an outside the hospital do-not-resuscitate order under sections 190.600 to 190.621. A person who has a patient's representative shall also be a patient for the purposes of sections 190.600 to 190.621, if the person or the person's patient's representative has executed an outside the hospital do-not-resuscitate order under sections 190.600 to 190.621. **A person under eighteen years of age shall also**

be a patient for purposes of sections 190.600 to 190.621 if the person has had a do-not-resuscitate order issued on his behalf under the provisions of section 191.250;

(11) "Patient's representative":

(a) An attorney in fact designated in a durable power of attorney for health care for a patient determined to be incapacitated under sections 404.800 to 404.872; or

(b) A guardian or limited guardian appointed under chapter 475 to have responsibility for an incapacitated patient.

190.603. OUTSIDE THE HOSPITAL DO-NOT-RESUSCITATE ORDER MAY BE EXECUTED, WHEN — MAINTAINED IN MEDICAL RECORDS — TRANSFERS WITH PATIENT. — 1. A patient or patient's representative and the patient's attending physician may execute an outside the hospital do-not-resuscitate order. An outside the hospital do-not-resuscitate order shall not be effective unless it is executed by the patient or patient's representative and the patient's attending physician, and it is in the form promulgated by rule of the department.

2. A patient under eighteen years of age is not authorized to execute an outside the hospital do-not-resuscitate order for himself but may have a do-not-resuscitate order issued on his behalf by one parent or legal guardian or by a juvenile or family court under the provisions of section 191.250. Such do-not-resuscitate order shall also function as an outside the hospital do-not-resuscitate order for the purposes of sections 190.600 to 190.621 unless such do-not-resuscitate order authorized under the provisions of section 191.250 states otherwise.

3. If an outside the hospital do-not-resuscitate order has been executed, it shall be maintained as the first page of a patient's medical record in a health care facility unless otherwise specified in the health care facility's policies and procedures.

[3-] 4. An outside the hospital do-not-resuscitate order shall be transferred with the patient when the patient is transferred from one health care facility to another health care facility. If the patient is transferred outside of a hospital, the outside the hospital DNR form shall be provided to any other facility, person, or agency responsible for the medical care of the patient or to the patient or patient's representative.

190.606. IMMUNITY FROM LIABILITY, WHAT PERSONS AND ENTITIES. — The following persons and entities shall not be subject to civil, criminal, or administrative liability and are not guilty of unprofessional conduct for the following acts or omissions that follow discovery of an outside the hospital do-not-resuscitate identification upon a patient **or a do-not-resuscitate order functioning as an outside the hospital do-not-resuscitate order for a patient under eighteen years of age**, or upon being presented with an outside the hospital do-not-resuscitate order ~~from Missouri, another state, the District of Columbia, or a territory of the United States~~; provided that the acts or omissions are done in good faith and in accordance with the provisions of sections 190.600 to 190.621 and the provisions of an outside the hospital do-not-resuscitate order executed under sections 190.600 to 190.621:

(1) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that cause or participate in the withholding or withdrawal of cardiopulmonary resuscitation from such patient; and

(2) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that provide cardiopulmonary resuscitation to such patient under an oral or written request communicated to them by the patient or the patient's representative.

190.612. EMERGENCY MEDICAL SERVICES PERSONNEL TO COMPLY WITH ORDER, WHEN — PHYSICIAN TO TRANSFER PATIENT, WHEN. — 1. Emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

However, emergency medical services personnel shall not comply with an outside the hospital do-not-resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient or patient's representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated.

2. ~~[Emergency medical services personnel are authorized to comply with the outside the hospital do not resuscitate protocol when presented with an outside the hospital do not resuscitate order from another state, the District of Columbia, or a territory of the United States if such order is on a standardized written form:~~

~~(1) Signed by the patient or the patient's representative and a physician who is licensed to practice in the other state, the District of Columbia, or the territory of the United States; and~~

~~(2) Such form has been previously reviewed and approved by the department of health and senior services to authorize emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from the patient in the event of a cardiac or respiratory arrest.~~

~~Emergency medical services personnel shall not comply with an outside the hospital do not resuscitate order from another state, the District of Columbia, or a territory of the United States or the outside the hospital do not resuscitate protocol when the patient or patient's representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated.]~~

(1) Except as provided in subdivision (2) of this subsection, emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with a do-not-resuscitate order functioning as an outside the hospital do-not-resuscitate order for a patient under eighteen years of age if such do-not-resuscitate order has been authorized by one parent or legal guardian or by a juvenile or family court under the provisions of section 191.250.

(2) Emergency medical services personnel shall not comply with a do-not-resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient under eighteen years of age, either parent of such patient, the patient's legal guardian, or the juvenile or family court expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire for the patient to be resuscitated.

3. If a physician or a health care facility other than a hospital admits or receives a patient with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order, and the patient or patient's representative has not expressed or does not express to the physician or health care facility the desire to be resuscitated, and the physician or health care facility is unwilling or unable to comply with the outside the hospital do-not-resuscitate order, the physician or health care facility shall take all reasonable steps to transfer the patient to another physician or health care facility where the outside the hospital do-not-resuscitate order will be complied with.

190.613. OUT-OF-STATE ORDER, PHYSICIAN MAY EXECUTE ORDER, WHEN. — 1. A patient or patient's representative and the patient's attending physician may execute an outside the hospital do-not-resuscitate order through the presentation of a properly executed outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States, or a Transportable Physician Orders for Patient Preferences (TPOPP)/Physician Orders for Life-Sustaining Treatment (POLST) form containing a specific do-not-resuscitate section.

2. Any outside the hospital do-not-resuscitate form identified from another state, the District of Columbia, or a territory of the United States, or a TPOPP/POLST form shall:

(1) Have been previously reviewed and approved by the department as in compliance with the provision of sections 190.600 to 190.621;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(2) Not be accepted for a patient under eighteen years of age, except as allowed under section 191.250; and

(3) Not be effective during such time as the patient is pregnant as set forth in section 190.609.

A patient or patient's representative may express to emergency medical services personnel, at any time and by any means, the intent to revoke the outside the hospital do-not-resuscitate order.

3. The provisions of section 190.606 shall apply to the good faith acts or omissions of emergency medical services personnel under this section.

191.240. PATIENT EXAMINATIONS, LIMITATION ON PERFORMANCE OF, WHEN — NOTICE — VIOLATION, SANCTION OF LICENSE. — 1. For purposes of this section, the following terms mean:

(1) "Health care provider", the same meaning given to the term in section 191.900;

(2) "Patient examination", a prostate, anal, or pelvic examination.

2. A health care provider, or any student or trainee under the supervision of a health care provider, shall not knowingly perform a patient examination upon an anesthetized or unconscious patient in a health care facility unless:

(1) The patient or a person authorized to make health care decisions for the patient has given specific informed consent to the patient examination for nonmedical purposes;

(2) The patient examination is necessary for diagnostic or treatment purposes;

(3) The collection of evidence through a forensic examination, as defined under subsection 8 of section 595.220, for a suspected sexual assault on the anesthetized or unconscious patient is necessary because the evidence will be lost or the patient is unable to give informed consent due to a medical condition; or

(4) Circumstances are present which imply consent, as described in section 431.063.

3. A health care provider shall notify a patient of any patient examination performed under subdivisions (2) to (4) of subsection 2 of this section if the patient is unable to give verbal or written consent.

4. A health care provider who violates the provisions of this section, or who supervises a student or trainee who violates the provisions of this section, shall be subject to discipline by any licensing board that licenses the health care provider.

191.305. MISSOURI GENETIC ADVISORY COMMITTEE CREATED — PURPOSE — APPOINTMENT, TERMS — QUALIFICATIONS — EXPENSES. — 1. The "Missouri Genetic Advisory Committee", consisting of fifteen members, is hereby created to advise the department in all genetic programs including metabolic disease screening programs, hemophilia, sickle cell anemia, and cystic fibrosis programs. Members of the committee shall be appointed by the ~~[governor, by and with the advice and consent of the senate]~~ **director of the department of health and senior services**. The first appointments to the committee shall consist of five members to serve three-year terms, five members to serve two-year terms, and five members to serve one-year terms as designated by the ~~[governor]~~ **director**. Each member of the committee shall serve for a term of three years thereafter.

2. The committee shall be composed of persons who reside in the state of Missouri, and a majority shall be licensed physicians. At least one member shall be a specialist in genetics; at least one member shall be a licensed obstetrician/gynecologist; at least one member shall be a licensed pediatrician in private practice; at least one member shall be a consumer, family member of a consumer or representative of a consumer group; at least one member shall be a licensed physician experienced in the study and treatment of hemophilia; at least one member shall be a specialist in sickle cell anemia; and at least one member shall be a specialist in cystic fibrosis.

3. Members of the committee shall not receive any compensation for their services, but they shall, subject to appropriations, be reimbursed for actual and necessary expenses incurred in the performance of their duties from funds appropriated for that purpose.

191.430. PROGRAM ESTABLISHED, PURPOSE — DEPARTMENT DUTIES. — 1. There is hereby established within the department of health and senior services the "Health Professional Loan Repayment Program" to provide forgivable loans for the purpose of repaying existing loans related to applicable educational expenses for health care, mental health, and public health professionals. The department of health and senior services shall be the administrative agency for the implementation of the program established by this section.

2. The department of health and senior services shall prescribe the form and the time and method of filing applications and supervise the processing, including oversight and monitoring of the program, and shall promulgate rules to implement the provisions of sections 191.430 to 191.450. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

3. The director of the department of health and senior services shall have the discretion to determine the health professionals and practitioners who will receive forgivable health professional loans from the department to pay their existing loans. The director shall make such determinations each fiscal year based on evidence associated with the greatest needs in the best interests of the public. The health care, mental health, and public health professionals or disciplines funded in any given year shall be contingent upon consultation with the office of workforce development in the department of higher education and workforce development and the department of mental health, or their successor agencies.

4. The department of health and senior services shall enter into a contract with each selected applicant who receives a health professional loan under this section. Each selected applicant shall apply the loan award to his or her educational debt. The contract shall detail the methods of forgiveness associated with a service obligation and the terms associated with the principal and interest accruing on the loan at the time of the award. The contract shall contain details concerning how forgiveness is earned, including when partial forgiveness is earned through a service obligation, and the terms and conditions associated with repayment of the loans for any obligation not served.

5. All health professional loans shall be made from funds appropriated by the general assembly to the health professional loan incentive fund established in section 191.445.

191.435. NEED FOR HEALTH CARE AREAS TO BE DESIGNATED. — The department of health and senior services shall designate counties, communities, or sections of areas in the state as areas of defined need for health care, mental health, and public health services. If a county, community, or section of an area has been designated or determined as a professional shortage area, a shortage area, or a health care, mental health, or public health professional shortage area by the federal Department of Health and Human Services or its successor agency, the department of health and senior services shall designate it as an area of defined need under this section. If the director of the department of health and senior services determines that a county, community, or section of an area has an extraordinary need for health care professional services without a

corresponding supply of such professionals, the department of health and senior services may designate it as an area of defined need under this section.

191.440. CONTRACTS FOR FORGIVABLE LOANS, CONTENTS — PRACTICE SITES, STIPULATION OF. — 1. The department of health and senior services shall enter into a contract with each individual qualifying for a forgivable loan under sections 191.430 to 191.450. The written contract between the department and the individual shall contain, but not be limited to, the following:

(1) An agreement that the state agrees to award a loan and the individual agrees to serve for a period equal to two years, or a longer period as the individual may agree to, in an area of defined need as designated by the department, with such service period to begin on the date identified on the signed contract;

(2) A provision that any financial obligations arising out of a contract entered into and any obligation of the individual that is conditioned thereon is contingent upon funds being appropriated for loans;

(3) The area of defined need where the person will practice;

(4) A statement of the damages to which the state is entitled for the individual's breach of the contract; and

(5) Such other statements of the rights and liabilities of the department and of the individual not inconsistent with sections 191.430 to 191.450.

2. The department of health and senior services may stipulate specific practice sites, contingent upon department-generated health care, mental health, and public health professional need priorities, where applicants shall agree to practice for the duration of their participation in the program.

191.445. FUND CREATED, USE OF MONEYS. — There is hereby created in the state treasury the "Health Professional Loan Incentive Fund", which shall consist of any appropriations made by the general assembly, all funds recovered from an individual under section 191.450, and all funds generated by loan repayments received under sections 191.430 to 191.450. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely by the department of health and senior services to provide loans under sections 191.430 to 191.450. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

191.450. FAILURE TO MAINTAIN ACCEPTABLE EMPLOYMENT STATUS, LIABLE FOR LOAN AMOUNT — RECOVERY AMOUNT. — 1. An individual who enters into a written contract with the department of health and senior services, as described in section 191.440, and who fails to maintain an acceptable employment status shall be liable to the state for any amount awarded as a loan by the department directly to the individual who entered into the contract that has not yet been forgiven.

2. An individual fails to maintain an acceptable employment status under this section when the contracted individual involuntarily or voluntarily terminates qualifying employment, is dismissed from such employment before completion of the contractual service obligation within the specific time frame outlined in the contract, or fails to respond to requests made by the department.

3. If an individual breaches the written contract of the individual by failing to begin or complete such individual's service obligation, the state shall be entitled to recover from the individual an amount equal to the sum of:

(1) The total amount of the loan awarded by the department or, if the department had already awarded partial forgiveness at the time of the breach, the amount of the loan not yet forgiven;

(2) The interest on the amount that would be payable if at the time the loan was awarded it was a loan bearing interest at the maximum prevailing rate as determined by the Treasurer of the United States;

(3) An amount equal to any damages incurred by the department as a result of the breach; and

(4) Any legal fees or associated costs incurred by the department or the state of Missouri in the collection of damages.

191.600. LOAN REPAYMENT PROGRAM ESTABLISHED — HEALTH PROFESSIONAL STUDENT LOAN REPAYMENT PROGRAM FUND ESTABLISHED — USE. — 1. Sections 191.600 to 191.615 establish a loan repayment program for graduates of approved medical schools, schools of osteopathic medicine, schools of dentistry and accredited chiropractic colleges who practice in areas of defined need and shall be known as the "Health Professional Student Loan Repayment Program". Sections 191.600 to 191.615 shall apply to graduates of accredited chiropractic colleges when federal guidelines for chiropractic shortage areas are developed.

2. The "Health Professional Student Loan and Loan Repayment Program Fund" is hereby created in the state treasury. All funds recovered from an individual pursuant to section 191.614 and all funds generated by loan repayments and penalties received pursuant to section 191.540 shall be credited to the fund. The moneys in the fund shall be used by the department of health and senior services to provide loan repayments pursuant to section 191.611 in accordance with sections 191.600 to 191.614 ~~[and to provide loans pursuant to sections 191.500 to 191.550].~~

191.828. EVALUATIONS, EFFECT OF INITIATIVES. — 1. The following departments shall conduct on-going evaluations of the effect of the initiatives enacted by the following sections:

(1) The department of commerce and insurance shall evaluate the effect of revising section 376.782 and sections 143.999, 208.178, 374.126, and 376.891 to 376.894;

(2) The department of health and senior services shall evaluate the effect of revising sections 105.711 and ~~[sections 191.520 and]~~ 191.600 and enacting section 191.411, and sections 167.600 to 167.621, 191.231, 208.177, 431.064, and 660.016. In collaboration with the state board of registration for the healing arts, the state board of nursing, and the state board of pharmacy, the department of health and senior services shall also evaluate the effect of revising section 195.070, section 334.100, and section 335.016, and of sections 334.104 and 334.112, and section 338.095 and 338.198;

(3) The department of social services shall evaluate the effect of revising section 198.090, and sections 208.151, 208.152 and 208.215, and section 383.125, and of sections 167.600 to 167.621, 208.177, 208.178, 208.179, 208.181, and 211.490;

(4) The office of administration shall evaluate the effect of revising sections 105.711 and 105.721;

(5) The Missouri consolidated health care plan shall evaluate the effect of section 103.178; and

(6) The department of mental health shall evaluate the effect of section 191.831 as it relates to substance abuse treatment and of section 191.835.

2. The department of revenue and office of administration shall make biannual reports to the general assembly and the governor concerning the income received into the health initiatives fund and the level of funding required to operate the programs and initiatives funded by the health initiatives fund at an optimal level.

191.831. HEALTH INITIATIVES FUND ESTABLISHED, USE — ALT-CARE PILOT PROGRAM, COMPONENTS — PARTICIPATION MAY BE REQUIRED. — 1. There is hereby established in the state treasury a "Health Initiatives Fund", to which shall be deposited all revenues designated for the fund under subsection 8 of section 149.015, and subsection 3 of section 149.160, and section 167.609, and all other funds donated to the fund or otherwise deposited pursuant to law. The state treasurer shall administer the fund. Money in the fund shall be appropriated to provide funding for implementing the new programs and initiatives established by sections 105.711 and 105.721. The moneys in the fund may further be used to fund those programs established by sections 191.411~~[-491.529]~~ and 191.600, sections 208.151 and 208.152, and sections 103.178, 143.999, 167.600 to 167.621, 188.230, 191.211, 191.231, 191.825 to 191.839, 192.013, 208.177, 208.178, 208.179 and 208.181, 211.490, 285.240, 337.093, 374.126, 376.891 to 376.894, 431.064, 660.016, 660.017 and 660.018; in addition, not less than fifteen percent of the proceeds deposited to the health initiative fund pursuant to sections 149.015 and 149.160 shall be appropriated annually to provide funding for the C-STAR substance abuse rehabilitation program of the department of mental health, or its successor program, and a C-STAR pilot project developed by the director of the division of alcohol and drug abuse and the director of the department of corrections as an alternative to incarceration, as provided in subsections 2, 3, and 4 of this section. Such pilot project shall be known as the "Alt-care" program. In addition, some of the proceeds deposited to the health initiatives fund pursuant to sections 149.015 and 149.160 shall be appropriated annually to the division of alcohol and drug abuse of the department of mental health to be used for the administration and oversight of the substance abuse traffic ~~[offenders]~~ **offender** program defined in section 302.010 ~~[and section 577.001]~~. The provisions of section 33.080 to the contrary notwithstanding, money in the health initiatives fund shall not be transferred at the close of the biennium to the general revenue fund.

2. The director of the division of alcohol and drug abuse and the director of the department of corrections shall develop and administer a pilot project to provide a comprehensive substance abuse treatment and rehabilitation program as an alternative to incarceration, hereinafter referred to as "Alt-care". Alt-care shall be funded using money provided under subsection 1 of this section through the Missouri Medicaid program, the C-STAR program of the department of mental health, and the division of alcohol and drug abuse's purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and living arrangements individually adapted to each client and her children. Alt-care shall consist of the following components:

- (1) Assessment and treatment planning;
- (2) Community support to provide continuity, monitoring of progress and access to services and resources;
- (3) Counseling from individual to family therapy;
- (4) Day treatment services which include accessibility seven days per week, transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly events for families and companions, job and education preparedness training, peer support and self-help and daily living skills; and
- (5) Living arrangement options which are permanent, substance-free and conducive to treatment and recovery.

3. Any female who is pregnant or is the custodial parent of a child or children under the age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of chapter 195, and whose controlled substance abuse was a precipitating or contributing factor in the commission of the offense, and who is placed on probation may be required, as a condition of probation, to participate in Alt-care, if space is available in the pilot project area. Determinations of eligibility for the program, placement, and continued participation shall be made by the division of alcohol and drug abuse, in consultation with the department of corrections.

4. The availability of space in Alt-care shall be determined by the director of the division of alcohol and drug abuse in conjunction with the director of the department of corrections. If the sentencing court is advised that there is no space available, the court shall consider other authorized dispositions.

191.1820. CITATION OF LAW — DEFINITIONS. — 1. Sections 191.1820 to 191.1855 shall be known and may be cited as the "Missouri Parkinson's Disease Registry Act".

2. For purposes of sections 191.1820 to 191.1855, the following terms mean:

(1) "Advisory committee", the Parkinson's disease registry advisory committee established in section 191.1830 to assist in the development and implementation of the registry;

(2) "Medical university", the University of Missouri and any other medical research university in the state that enters into a memorandum of understanding with the University of Missouri if deemed appropriate by the University of Missouri;

(3) "Parkinson's disease", a chronic and progressive neurologic disorder that:

(a) Results from deficiency of the neurotransmitter dopamine as the consequence of specific degenerative changes in the area of the brain called the basal ganglia;

(b) Is characterized by tremor at rest, slow movements, muscle rigidity, stooped posture, and unsteady or shuffling gait; and

(c) Includes motor and nonmotor symptoms and side effects including, but not limited to, autonomic dysfunction, thinking and mood changes, and other physical changes;

(4) "Parkinsonism", any condition that causes a combination of the movement abnormalities observed in Parkinson's disease, such as tremor at rest, slow movement, muscle rigidity, impaired speech, or muscle stiffness, with symptoms often overlapping, and that may evolve from what appears to be Parkinson's disease. The term "parkinsonism" shall include, but not be limited to, multiple system atrophy, dementia with Lewy bodies, corticobasal degeneration, and progressive supranuclear palsy;

(5) "Registry", the registry established by the medical university in section 191.1825.

191.1825. REGISTRY ESTABLISHED, PURPOSE — START DATE — NOTIFICATION TO PATIENTS. — 1. Beginning January 1, 2024, the medical university shall establish a registry to collect data on the incidence of Parkinson's disease in Missouri and other epidemiological data as required in sections 191.1820 to 191.1855. The database and system of collection and dissemination of information shall be under the direction of the medical university. The medical university may enter into contracts, grants, or other agreements as are necessary for the implementation of the registry.

2. The registry shall become functional and able to collect reporting data by August 28, 2024.

3. All patients diagnosed with Parkinson's disease or parkinsonism, as determined by the advice of the advisory committee, shall be notified in writing and orally about the collection of information and patient data on Parkinson's disease and parkinsonism. If a patient does not wish to participate in the collection of data for purposes of research in the registry, the patient shall affirmatively opt out in writing after an opportunity to review relevant documents and ask questions. No patient shall be required to participate in the registry.

191.1830. REGISTRY ADVISORY COMMITTEE ESTABLISHED — MEMBERS. — 1. Within ninety days of August 28, 2023, the medical university shall establish the "Parkinson's Disease Registry Advisory Committee", which shall assist in the development and implementation of the registry, determine the data to be collected, and generally advise the medical university.

2. The committee shall be composed of at least the following members:

(1) A neurologist;

(2) A movement disorder specialist;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- (3) A primary care provider;
- (4) A physician informaticist;
- (5) A patient living with Parkinson's disease;
- (6) A public health professional;
- (7) A population health researcher familiar with registries; and
- (8) A Parkinson's disease researcher.

191.1835. COLLECTION AND DISSEMINATION OF INFORMATION, SYSTEM ESTABLISHED — LIST OF DATA POINTS — REPORTING REQUIREMENTS, MEDICAL PROVIDERS. — 1. The medical university shall establish, with the advice of the advisory committee, a system for the collection and dissemination of information determining the incidence and prevalence of Parkinson's disease and parkinsonism.

2. (1) Parkinson's disease and parkinsonism shall be designated as diseases required to be reported to the registry. Beginning August 28, 2024, all cases of Parkinson's disease and parkinsonism diagnosed or treated in this state shall be reported to the registry.

(2) Notwithstanding the provisions of subdivision (1) of this subsection to the contrary, the mere incidence of a patient with Parkinson's disease or parkinsonism shall be the sole required information for the registry for any patient who chooses not to participate as described in section 191.1825. No further data shall be reported to the registry for patients who choose not to participate.

3. The medical university may create, review, and revise a list of data points required to be collected as part of the mandated reporting of Parkinson's disease and parkinsonism under this section. Any such list shall include, but not be limited to, necessary triggering diagnostic conditions consistent with the latest International Statistical Classification of Diseases and Related Health Problems and resulting case data on issues including, but not limited to, diagnosis, treatment, and survival.

4. At least ninety days before reporting to the registry is required under this section, the medical university shall publish on its website a notice about the mandatory reporting of Parkinson's disease and parkinsonism and may also provide such notice to professional associations representing physicians, nurse practitioners, and hospitals.

5. Beginning August 28, 2024, any hospital, facility, physician, surgeon, physician assistant, or nurse practitioner diagnosing or responsible for providing primary treatment to patients with Parkinson's disease or patients with parkinsonism shall report each case of Parkinson's disease and each case of parkinsonism to the registry in a format prescribed by the medical university.

6. The medical university shall be authorized to enter into data-sharing contracts with data-reporting entities and their associated electronic medical record system vendors to securely and confidentially receive information related to Parkinson's disease testing, diagnosis, and treatment.

7. The medical university may implement and administer this section through a bulletin or similar instruction to providers without the need for regulatory action.

191.1840. FURNISHING REGISTRY DATA, AGREEMENTS, REQUIREMENTS — CONFIDENTIALITY. — The medical university may enter into agreements to furnish data collected in the registry to other states' Parkinson's disease registries, federal Parkinson's disease control agencies, local health officers, or health researchers for the study of Parkinson's disease. Before confidential information is disclosed to those agencies, officers, researchers, or out-of-state registries, the requesting entity shall agree in writing to maintain the confidentiality of the information and, if a researcher, shall:

(1) Obtain approval of the researcher's institutional review board for the protection of human subjects established in accordance with 45 CFR 46; and

(2) Provide documentation to the medical university that demonstrates to the medical university's satisfaction that the researcher has established the procedures and ability to maintain the confidentiality of the information.

191.1845. CONFIDENTIALITY OF INFORMATION — CODING SYSTEM — RECORDKEEPING.

— 1. Except as otherwise provided in sections 191.1820 to 191.1855, all information collected under sections 191.1820 to 191.1855 shall be confidential. For purposes of sections 191.1820 to 191.1855, this information shall be referred to as confidential information.

2. To ensure privacy, the medical university shall use a coding system for the registry that removes any identifying information about patients.

3. Notwithstanding any other provision of law to the contrary, a disclosure authorized under sections 191.1820 to 191.1855 shall include only the information necessary for the stated purpose of the requested disclosure, shall be used for the approved purpose, and shall not be further disclosed.

4. Provided the security of confidential information has been documented, the furnishing of confidential information to the medical university or its authorized representatives in accordance with sections 191.1820 to 191.1855 shall not expose any person, agency, or entity furnishing the confidential information to liability and shall not be considered a waiver of any privilege or a violation of a confidential relationship.

5. The medical university shall maintain an accurate record of all persons given access to confidential information. The record shall include the name of the person authorizing access; the name, title, address, and organizational affiliation of the person given access; dates of access; and the specific purpose for which the confidential information is to be used. The record of access shall be open to public inspection during normal operating hours of the medical university.

6. (1) Notwithstanding any other provision of law to the contrary, confidential information shall not be available for subpoena and shall not be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding. Confidential information shall not be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

(2) The provisions of this subsection shall not be construed to prohibit the publication by the medical university of reports and statistical compilations that do not in any way identify individual cases or individual sources of information.

(3) Notwithstanding the restrictions in this subsection to the contrary, the individual to whom the information pertains shall have access to his or her own information.

191.1850. FACILITY-BASED REGISTRIES NOT PREEMPTED. — Sections 191.1820 to 191.1855 shall not preempt the authority of facilities or individuals providing diagnostic or treatment services to patients with Parkinson's disease or parkinsonism to maintain their own facility-based registries for Parkinson's disease or parkinsonism.

191.1855. REPORT TO GENERAL ASSEMBLY, CONTENTS, PUBLISHING OF. — 1. Before January 1, 2025, and before January first every year thereafter, the medical university shall provide a report to the general assembly that includes:

(1) A program summary update for that year on the incidence and prevalence of Parkinson's disease in the state by county;

(2) The number of records that have been included and reported to the registry; and

(3) Demographic information, such as a breakdown of patients by age, gender, and race.

2. The medical university shall also publish the annual report required under this section in a downloadable format on its website or on the registry's webpage.

192.530. NONOPIOID DIRECTIVE FORM — DEFINITIONS — REQUIREMENTS. — 1. As used in this section, the following terms mean:

- (1) "Department", the department of health and senior services;
- (2) "Health care provider", the same meaning given to the term in section 376.1350;
- (3) "Voluntary nonopioid directive form", a form that may be used by a patient to deny or refuse the administration or prescription of a controlled substance containing an opioid by a health care provider.

2. In consultation with the board of registration for the healing arts and the board of pharmacy, the department shall develop and publish a uniform voluntary nonopioid directive form.

3. The voluntary nonopioid directive form developed by the department shall indicate to all prescribing health care providers that the named patient shall not be offered, prescribed, supplied with, or otherwise administered a controlled substance containing an opioid.

4. The voluntary nonopioid directive form shall be posted in a downloadable format on the department's publicly accessible website.

5. (1) A patient may execute and file a voluntary nonopioid directive form with a health care provider. Each health care provider shall sign and date the form in the presence of the patient as evidence of acceptance and shall provide a signed copy of the form to the patient.

(2) The patient executing and filing a voluntary nonopioid directive form with a health care provider shall sign and date the form in the presence of the health care provider or a designee of the health care provider. In the case of a patient who is unable to execute and file a voluntary nonopioid directive form, the patient may designate a duly authorized guardian or health care proxy to execute and file the form in accordance with subdivision (1) of this subsection.

(3) A patient may revoke the voluntary nonopioid directive form for any reason and may do so by written or oral means.

6. The department shall promulgate regulations for the implementation of the voluntary nonopioid directive form that shall include, but not be limited to:

(1) A standard method for the recording and transmission of the voluntary nonopioid directive form, which shall include verification by the patient's health care provider and shall comply with the written consent requirements of the Public Health Service Act, 42 U.S.C. Section 290dd-2(b), and 42 CFR Part 2, relating to confidentiality of alcohol and drug abuse patient records, provided that the voluntary nonopioid directive form shall also provide the basic procedures necessary to revoke the voluntary nonopioid directive form;

(2) Procedures to record the voluntary nonopioid directive form in the patient's medical record or, if available, the patient's interoperable electronic medical record;

(3) Requirements and procedures for a patient to appoint a duly authorized guardian or health care proxy to override a previously filed voluntary nonopioid directive form and circumstances under which an attending health care provider may override a previously filed voluntary nonopioid directive form based on documented medical judgment, which shall be recorded in the patient's medical record;

(4) Procedures to ensure that any recording, sharing, or distributing of data relative to the voluntary nonopioid directive form complies with all federal and state confidentiality laws; and

(5) Appropriate exemptions for health care providers and emergency medical personnel to prescribe or administer a controlled substance containing an opioid when, in their professional medical judgment, a controlled substance containing an opioid is necessary, or the provider and medical personnel are acting in good faith.

The department shall develop and publish guidelines on its publicly accessible website that shall address, at a minimum, the content of the regulations promulgated under this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

7. A written prescription that is presented at an outpatient pharmacy or a prescription that is electronically transmitted to an outpatient pharmacy is presumed to be valid for the purposes of this section, and a pharmacist in an outpatient setting shall not be held in violation of this section for dispensing a controlled substance in contradiction to a voluntary nonopioid directive form, except upon evidence that the pharmacist acted knowingly against the voluntary nonopioid directive form.

8. (1) A health care provider or an employee of a health care provider acting in good faith shall not be subject to criminal or civil liability and shall not be considered to have engaged in unprofessional conduct for failing to offer or administer a prescription or medication order for a controlled substance containing an opioid under the voluntary nonopioid directive form.

(2) A person acting as a representative or an agent pursuant to a health care proxy shall not be subject to criminal or civil liability for making a decision under subdivision (3) of subsection 6 of this section in good faith.

(3) Notwithstanding any other provision of law, a professional licensing board, at its discretion, may limit, condition, or suspend the license of, or assess fines against, a health care provider who recklessly or negligently fails to comply with a patient's voluntary nonopioid directive form.

192.745. ADVISORY COUNCIL ESTABLISHED — MEMBERS, TERMS, APPOINTMENT, MEETINGS, EXPENSES — CHAIRMAN — DUTIES. — 1. The "Missouri Brain Injury Advisory Council" is hereby established in the department of health and senior services. The members of the council ~~[that are serving on February 2, 2005, shall continue to fulfill their current terms. Through attrition, the council shall decrease from the present twenty-five members to fifteen members. Thereafter, the successors to each of these members]~~ shall serve a three-year term and until the member's successor is appointed by the ~~[governor with the advice and consent of the senate]~~ **director of the department of health and senior services**. The members appointed by the ~~[governor]~~ **director** shall include: four people with brain injuries or relatives of persons with brain injuries, and eleven other individuals from professional groups, health institutions, community groups, and private industry. In addition to the fifteen council members, individuals representing state agencies with services that impact brain injury survivors and their families shall participate on the council in an ex officio nonvoting capacity. These individuals shall be appointed by the respective agency.

2. The Missouri brain injury advisory council is assigned to the department of health and senior services. The department shall submit estimates of requirements for appropriations on behalf of the council for the necessary staff and expenses to carry out the duties and responsibilities assigned by the council.

3. Meetings of the full council shall be held at least four times a year or at the call of the council chairperson, who shall be elected by the council. Subcommittees may meet on an as-needed basis.

4. Members of the council shall not receive any compensation for their services, but they shall, subject to appropriations, be reimbursed for actual and necessary expenses incurred in the performance of their duties from funds appropriated for this purpose.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

5. The council shall adopt written procedures to govern its activities.

6. The council, under the direction of the department, shall make recommendations to the department director for developing and administering a state plan to provide services for brain-injured persons.

7. No member of the council may participate in or seek to influence a decision or vote of the council if the member would be directly involved with the matter or if the member would derive income from it. A violation of the prohibition contained herein shall be grounds for a person to be removed as a member of the council by the department director.

8. The council shall be advisory and shall:

(1) Promote meetings and programs for the discussion of reducing the debilitating effects of brain injuries and disseminate information in cooperation with any other department, agency or entity on the prevention, evaluation, care, treatment and rehabilitation of persons affected by brain injuries;

(2) Study and review current prevention, evaluation, care, treatment and rehabilitation technologies and recommend appropriate preparation, training, retraining and distribution of manpower and resources in the provision of services to brain-injured persons through private and public residential facilities, day programs and other specialized services;

(3) Recommend specific methods, means and procedures to improve and upgrade the state's service delivery system for brain-injured citizens of this state;

(4) Participate in developing and disseminating criteria and standards which may be required for future funding or licensing of facilities, day programs and other specialized services for brain-injured persons in this state;

(5) Report annually to the department director on its activities, and on the results of its studies and the recommendations of the council.

9. The department may accept on behalf of the council federal funds, gifts and donations from individuals, private organizations and foundations, and any other funds that may become available.

192.2405. MANDATORY REPORTERS--PENALTY FOR FAILURE TO REPORT. — 1. The following persons shall be required to immediately report or cause a report to be made to the department under sections 192.2400 to 192.2470:

(1) Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm, or bullying as defined in subdivision (2) of section 192.2400, and is in need of protective services; and

(2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services, employee of a local area agency on aging or an organized area agency on aging program, emergency medical technician, firefighter, first responder, funeral director, home health agency, home health agency employee, hospital and clinic personnel engaged in the care or treatment of others, in-home services owner or provider, in-home services operator or employee, law enforcement officer, long-term care facility administrator or employee, medical examiner, medical resident or intern, mental health professional, minister, nurse, nurse practitioner, optometrist, other health practitioner, peace officer, pharmacist, physical therapist, physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social worker, or other person with the responsibility for the care of an eligible adult who has reasonable cause to suspect that the eligible adult has been subjected to abuse or neglect or observes the eligible adult being subjected to conditions or circumstances which would reasonably result in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

2. Any other person who becomes aware of circumstances that may reasonably be expected to be the result of, or result in, abuse or neglect of an eligible adult may report to the department.

3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this section is provided under section 565.188.

4. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, **or** emergency medical technicians~~], or emergency medical technician paramedics].~~

194.300. ORGAN DONATION ADVISORY COMMITTEE ESTABLISHED, APPOINTMENT, QUALIFICATIONS, EXPENSES, TERMS. — 1. There is established within the department of health and senior services the "Organ Donation Advisory Committee", which shall consist of the following members appointed by the ~~[governor with the advice and consent of the senate]~~ **director of the department of health and senior services**:

- (1) Four representatives of organ and tissue procurement organizations;
- (2) Four members representative of organ recipients, families of organ recipients, organ donors and families of organ donors;
- (3) One health care representative from a hospital located in Missouri; and
- (4) One representative of the department of health and senior services.

2. Members of the advisory committee shall receive no compensation for their services, but may be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties out of appropriations made for that purpose. Members shall serve for five year terms and shall serve at the pleasure of the ~~[governor]~~ **director**.

195.070. PRESCRIPTIVE AUTHORITY. — 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone **and Schedule II controlled substances for hospice patients pursuant to the provisions of section 334.104**. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, except:

(1) When the controlled substance is delivered to the practitioner to administer to the patient for whom the medication is prescribed as authorized by federal law. Practitioners shall maintain records and secure the medication as required by this chapter and regulations promulgated pursuant to this chapter; or

(2) As provided in section 195.265.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. LABELING REQUIREMENTS. — 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the manufacturer or wholesaler shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in which such drug is sold or dispensed a label showing his or her own name and address of the pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; ~~[the name of the collaborating physician if the prescription is written by an advanced practice registered nurse or a physician assistant,]~~ and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

196.1050. OPIOID ADDICTION TREATMENT, ANY OPIOID-RELATED SETTLEMENT MONEYS TO BE USED FOR — FUND ESTABLISHED. — 1. The proceeds of any monetary settlement or portion of a global settlement between the attorney general of the state and any drug manufacturers, distributors, **pharmacies**, or combination thereof to resolve an opioid-related cause of action against such drug manufacturers, distributors, **pharmacies**, or combination thereof in a state or federal court shall only be utilized to pay for opioid addiction treatment and prevention services and health care and law enforcement costs related to opioid addiction treatment and prevention. Under no circumstances shall such settlement moneys be utilized to fund other services, programs, or expenses not reasonably related to opioid addiction treatment and prevention.

2. (1) — There is hereby established in the state treasury the "Opioid Addiction Treatment and Recovery Fund", which shall consist of the proceeds of any settlement described in subsection 1 of this section, as well as any funds appropriated by the general assembly, or gifts, grants, donations, or bequests. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used by the department of mental health, the department of health and senior

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services, the department of social services, the department of public safety, the department of corrections, and the judiciary for the purposes set forth in subsection 1 of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

197.005. MEDICARE CONDITIONS OF PARTICIPATION COMPLIANCE, DEEMED COMPLIANCE WITH HOSPITAL LICENSURE STANDARDS. — 1. As used in this section, the term "Medicare conditions of participation" shall mean federal regulatory standards established under Title XVIII of the Social Security Act and defined in 42 CFR 482, as amended, for hospitals and 42 CFR 485, as amended, for hospitals designated as critical access hospitals under 42 U.S.C. Section 1395i-4 **and for facilities designated as rural emergency hospitals under 42 U.S.C. Section 1395x(kkk)(2).**

2. To minimize the administrative cost of enforcing and complying with duplicative regulatory standards, on and after July 1, 2018, compliance with Medicare conditions of participation shall be deemed to constitute compliance with the standards for hospital licensure under sections 197.010 to 197.120 and regulations promulgated thereunder.

3. Nothing in this section shall preclude the department of health and senior services from promulgating regulations effective on or after July 1, 2018, to define separate regulatory standards that do not duplicate or contradict the Medicare conditions of participation, with specific state statutory authorization to create separate regulatory standards.

4. Regulations promulgated by the department of health and senior services to establish and enforce hospital licensure regulations under this chapter that duplicate or conflict with the Medicare conditions of participation shall lapse and expire on and after July 1, 2018.

197.020. DEFINITIONS. — 1. "Governmental unit" means any county, municipality or other political subdivision or any department, division, board or other agency of any of the foregoing.

2. "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more nonrelated individuals. **The term "hospital" shall include a facility designated as a rural emergency hospital by the Centers for Medicare and Medicaid Services.** The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198.

3. "Person" means any individual, firm, partnership, corporation, company or association and the legal successors thereof.

197.145. AT-RISK BEHAVIORAL HEALTH PATIENT MAY BE DETAINED, WHEN — IMMUNITY FROM LIABILITY, WHEN. — 1. **Notwithstanding any other provision of law to the contrary, including chapter 632, when an at-risk behavioral health patient, as such term is defined in section 190.240, receives treatment at a hospital, the treating physician may temporarily hold the patient for further behavioral health assessment and, if necessary, for transfer to an appropriate treatment facility, if the physician has reason to believe that the patient is at imminent serious risk of harming themselves or others.**

2. **In no circumstance shall an at-risk behavioral health patient be detained in a temporary hold under this section for a period longer than necessary for an evaluation and, if necessary, transfer to an appropriate treatment facility. If, after the evaluation, the treating physician has**

reasonable cause to believe that the patient is not at imminent serious risk of harming themselves or others, the patient shall be immediately released from the temporary hold.

3. A physician employing a temporary hold under this section, and any other health care professional or other personnel at the hospital working to treat or transfer the patient, as well as any emergency medical services personnel or law enforcement officers who may be acting to detain or transport the patient under this section, shall not be civilly liable for the temporary hold, treatment, or transport of a patient if such actions are carried out in good faith and without gross negligence for a purpose authorized by this section.

197.185. SURGICAL SMOKE PLUME EVACUATION SYSTEM — DEFINITIONS — REQUIREMENTS. — 1. For purposes of this section, the following terms mean:

- (1) "Ambulatory surgical center", the same meaning given to the term in section 197.200;
- (2) "Hospital", the same meaning given to the term in section 197.020;
- (3) "Surgical smoke", the smoke that is generated from the use of a surgical device, including, but not limited to, surgical plume, smoke plume, bioaerosols, laser-generated airborne contaminants, and lung-damaging dust;
- (4) "Surgical smoke plume evacuation system", equipment designed to capture, filter, and eliminate surgical smoke at the point of origin and before the surgical smoke makes contact with the eyes or contact with the respiratory tract of patients and staff occupying the room where a procedure that produces surgical smoke plume is being performed.

2. On or before January 1, 2026, each hospital and ambulatory surgical center accredited by the Joint Commission that performs procedures that produce surgical smoke plume shall adopt and implement policies and procedures required by the Joint Commission to ensure the evacuation of surgical smoke plume by use of a surgical smoke plume evacuation system for each procedure that generates surgical smoke plume from the use of energy-based devices, including, but not limited to, electrosurgery and lasers.

3. Any procedure that generates surgical smoke plume from the use of energy-based devices that is performed after December 31, 2025, in any hospital or ambulatory surgical center accredited by the Joint Commission shall be subject to the policies and procedures adopted under subsection 2 of this section.

205.375. NURSING HOMES, COUNTY OR TOWNSHIP MAY ACQUIRE AND ERECT — ISSUANCE OF BONDS, EXCEPTIONS — LEASING OF HOMES, TO WHOM. — 1. For the purposes of this section "nursing home" means a residential care facility, an assisted living facility, an intermediate care facility, or a skilled nursing facility as defined in section 198.006:

- (1) Which is operated in connection with a hospital, or
- (2) In which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the state.

2. The county commission of any county or the township board of any township may acquire land to be used as sites for, construct and equip nursing homes and may contract for materials, supplies, and services necessary to carry out such purposes.

3. For the purpose of providing funds for the construction and equipment of nursing homes the county commissions or township boards may issue bonds as authorized by the general law governing the incurring of indebtedness by counties; provided, however, that no such tax shall be levied upon property which is within a nursing home district as provided in chapter 198 and is taxed for nursing home purposes under the provisions of that chapter, or may provide for the issuance and payment of revenue bonds in the manner provided by and in all respects subject to chapter 176 which provides for the issuance of revenue bonds of state educational institutions.

4. The county commissions or township boards may provide for the leasing and renting of the nursing homes and equipment on the terms and conditions that are necessary and proper to any person, firm, corporation or to any nonprofit organizations for the purpose of operation in the manner provided in subsection 1 of this section **or for the purpose of operating any other health care facility located within the county or township providing nursing care or other medical services to patients, including, but not limited to, residents of the county or township.**

205.377. SALE OF NURSING HOME, REQUIREMENTS. — 1. The county commission of any county having a nursing home erected under the provisions of section 205.375 may, upon a determination by the county commissioners that the sale of such nursing home is desirable, appoint an agent, by order, to sell and dispose of the nursing home and appurtenant property, both real and personal, in the manner provided for sale of other county property. The deed of the agent, under the agent's proper hand and seal, for and on behalf of the county, duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the right, title, interest, and estate which the county has in property.

2. The proceeds from the sale of the property shall be applied to the payment of any interest and principal of any outstanding valid indebtedness of the county incurred for purchase of the site or construction of the nursing home, or for any repairs, alterations, improvements, or additions thereto, or for the operation of the nursing home. If the proceeds from the sale of the nursing home property, and any interest thereon, are, or will be insufficient to pay the interest and principal of any valid outstanding bonded indebtedness as they fall due, the county commission shall continue to provide for the collection of an annual tax on all taxable personal property in the county sufficient to pay the interest and principal of the indebtedness as it falls due and to retire the bonds within the time required therein.

3. Any balance of the proceeds received by the county for the sale of the nursing home remaining after all indebtedness incurred in connection with the nursing home is paid shall be placed to the credit of the general fund of the county to be used to provide health care services in the county.

4. The sale of a nursing home under this section shall be limited to purchasers who plan to operate a similar facility or otherwise provide medical services to patients, including, but not limited to, residents of the county, for a period of not less than ten years.

208.030. SUPPLEMENTAL WELFARE ASSISTANCE, ELIGIBILITY FOR — AMOUNT, HOW DETERMINED — REDUCTION OF SUPPLEMENTAL PAYMENT PROHIBITED, WHEN. — 1. The family support division shall make monthly payments to each person who was a recipient of old age assistance, aid to the permanently and totally disabled, and aid to the blind and who:

(1) Received such assistance payments from the state of Missouri for the month of December, 1973, to which they were legally entitled; and

(2) Is a resident of Missouri.

2. The amount of supplemental payment made to persons who meet the eligibility requirements for and receive federal supplemental security income payments shall be in an amount, as established by rule and regulation of the family support division, sufficient to, when added to all other income, equal the amount of cash income received in December, 1973; except, in establishing the amount of the supplemental payments, there shall be disregarded cost-of-living increases provided for in Titles II and XVI of the federal Social Security Act and any benefits or income required to be disregarded by an act of Congress of the United States or any regulation duly promulgated thereunder. As long as the recipient continues to receive a supplemental security income payment, the supplemental payment shall not be reduced. The minimum supplemental payment for those persons who continue to meet the December, 1973, eligibility standards for aid to the blind shall be in an amount which, when added to the federal

supplemental security income payment, equals the amount of the blind pension grant as provided for in chapter 209.

3. The amount of supplemental payment made to persons who do not meet the eligibility requirements for federal supplemental security income benefits, but who do meet the December, 1973, eligibility standards for old age assistance, permanent and total disability and aid to the blind or less restrictive requirements as established by rule or regulation of the family support division, shall be in an amount established by rule and regulation of the family support division sufficient to, when added to all other income, equal the amount of cash income received in December, 1973; except, in establishing the amount of the supplemental payment, there shall be disregarded cost-of-living increases provided for in Titles II and XVI of the federal Social Security Act and any other benefits or income required to be disregarded by an act of Congress of the United States or any regulation duly promulgated thereunder. The minimum supplemental payments for those persons who continue to meet the December, 1973, eligibility standards for aid to the blind shall be a blind pension payment as prescribed in chapter 209.

4. The family support division shall make monthly payments to persons meeting the eligibility standards for the aid to the blind program in effect December 31, 1973, who are bona fide residents of the state of Missouri. The payment shall be in the amount prescribed in subsection 1 of section 209.040, less any federal supplemental security income payment.

5. The family support division shall make monthly payments to persons age twenty-one or over who meet the eligibility requirements in effect on December 31, 1973, or less restrictive requirements as established by rule or regulation of the family support division, who were receiving old age assistance, permanent and total disability assistance, general relief assistance, or aid to the blind assistance lawfully, who are not eligible for nursing home care under the Title XIX program, and who reside in a licensed residential care facility, a licensed assisted living facility, a licensed intermediate care facility or a licensed skilled nursing facility in Missouri and whose total cash income is not sufficient to pay the amount charged by the facility; and to all applicants age twenty-one or over who are not eligible for nursing home care under the Title XIX program who are residing in a licensed residential care facility, a licensed assisted living facility, a licensed intermediate care facility or a licensed skilled nursing facility in Missouri, who make application after December 31, 1973, provided they meet the eligibility standards for old age assistance, permanent and total disability assistance, general relief assistance, or aid to the blind assistance in effect on December 31, 1973, or less restrictive requirements as established by rule or regulation of the family support division, who are bona fide residents of the state of Missouri, and whose total cash income is not sufficient to pay the amount charged by the facility. Until July 1, 1983, the amount of the total state payment for home care in licensed residential care facilities shall not exceed one hundred twenty dollars monthly, for care in licensed intermediate care facilities or licensed skilled nursing facilities shall not exceed three hundred dollars monthly, and for care in licensed assisted living facilities shall not exceed two hundred twenty-five dollars monthly. Beginning July 1, 1983, for fiscal year 1983-1984 and each year thereafter, the amount of the total state payment for home care in licensed residential care facilities shall ~~not exceed one hundred fifty-six dollars monthly~~ **be subject to appropriations**, for care in licensed intermediate care facilities or licensed skilled nursing facilities shall not exceed three hundred ninety dollars monthly, and for care in licensed assisted living facilities shall not exceed two hundred ninety-two dollars and fifty cents monthly. No intermediate care or skilled nursing payment shall be made to a person residing in a licensed intermediate care facility or in a licensed skilled nursing facility unless such person has been determined, by his or her own physician or doctor, to medically need such services subject to review and approval by the department. Residential care payments may be made to persons residing in licensed intermediate care facilities or licensed skilled nursing facilities. Any person eligible to receive a monthly payment pursuant to this subsection shall receive an additional monthly payment equal to the Medicaid vendor nursing facility personal needs allowance. The exact amount of the additional payment shall be determined by rule of the department. This additional payment shall not be used to pay for any supplies or services, or for any other items that

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Matter in bold-face type is proposed language.

would have been paid for by the family support division if that person would have been receiving medical assistance benefits under Title XIX of the federal Social Security Act for nursing home services pursuant to the provisions of section 208.159. Notwithstanding the previous part of this subsection, the person eligible shall not receive this additional payment if such eligible person is receiving funds for personal expenses from some other state or federal program.

208.1032. INTERGOVERNMENTAL TRANSFER PROGRAM — INCREASED REIMBURSEMENT FOR SERVICES, WHEN — PARTICIPATION REQUIREMENTS. — 1. The department of social services shall be authorized to design and implement in consultation and coordination with eligible providers as described in subsection 2 of this section an intergovernmental transfer program relating to ground emergency medical transport services, including those services provided at the emergency medical responder, emergency medical technician (EMT), advanced EMT, ~~EMT intermediate,~~ or paramedic levels in the prestabilization and preparation for transport, in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers.

2. A provider shall be eligible for increased reimbursement under this section only if the provider meets the following conditions in an applicable state fiscal year:

- (1) Provides ground emergency medical transportation services to MO HealthNet participants;
- (2) Is enrolled as a MO HealthNet provider for the period being claimed; and
- (3) Is owned, operated, or contracted by the state or a political subdivision.

3. (1) To the extent intergovernmental transfers are voluntarily made by and accepted from an eligible provider described in subsection 2 of this section or a governmental entity affiliated with an eligible provider, the department of social services shall make increased capitation payments to applicable MO HealthNet eligible providers for covered ground emergency medical transportation services.

(2) The increased capitation payments made under this section shall be in amounts at least actuarially equivalent to the supplemental fee-for-service payments and up to equivalent of commercial reimbursement rates available for eligible providers to the extent permissible under federal law.

(3) Except as provided in subsection 6 of this section, all funds associated with intergovernmental transfers made and accepted under this section shall be used to fund additional payments to eligible providers.

(4) MO HealthNet managed care plans and coordinated care organizations shall pay one hundred percent of any amount of increased capitation payments made under this section to eligible providers for providing and making available ground emergency medical transportation and prestabilization services pursuant to a contract or other arrangement with a MO HealthNet managed care plan or coordinated care organization.

4. The intergovernmental transfer program developed under this section shall be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible provider, or the governmental entity with which it is affiliated, are provided for this purpose. The department of social services shall implement the intergovernmental transfer program and increased capitation payments under this section on a retroactive basis as permitted by federal law.

5. Participation in the intergovernmental transfers under this section is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

6. As a condition of participation under this section, each eligible provider as described in subsection 2 of this section or the governmental entity affiliated with an eligible provider shall agree to reimburse the department of social services for any costs associated with implementing this section. Intergovernmental transfers described in this section are subject to an administration fee of up to twenty percent of the nonfederal share paid to the department of social services and shall be allowed to count as a cost of providing the services not to exceed one hundred twenty percent of the total amount.

7. As a condition of participation under this section, MO HealthNet managed care plans, coordinated care organizations, eligible providers as described in subsection 2 of this section, and governmental entities affiliated with eligible providers shall agree to comply with any requests for information or similar data requirements imposed by the department of social services for purposes of obtaining supporting documentation necessary to claim federal funds or to obtain federal approvals.

8. This section shall be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained.

9. To the extent that the director of the department of social services determines that the payments made under this section do not comply with federal Medicaid requirements, the director retains the discretion to return or not accept an intergovernmental transfer, and may adjust payments under this section as necessary to comply with federal Medicaid requirements.

285.040. PUBLIC SAFETY EMPLOYEES — RESIDENCY REQUIREMENTS (CITY OF ST. LOUIS). — 1. As used in this section, "public safety employee" shall mean a person trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, ~~[ambulance attendants and attendant drivers,]~~ emergency medical technicians, ~~[emergency medical technician paramedics,]~~ dispatchers, registered nurses, physicians, and sheriffs and deputy sheriffs.

2. No public safety employee of a city not within a county who is hired prior to September 1, 2023, shall be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

3. Public safety employees of a city not within a county who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the public safety employee to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.

321.225. EMERGENCY AMBULANCE SERVICES, MAY PROVIDE — ELECTION — TAX LEVY — ADDITIONAL TAX LEVY, PARAMEDIC FIRST RESPONDER PROGRAM — DEFEAT OF LEVY, OLD LEVY TO REMAIN IN EFFECT — EMERGENCY, DEFINED. — 1. A fire protection district may, in addition to its other powers and duties, provide emergency ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an emergency ambulance service as it does in operating its fire protection service.

2. The proposition to furnish emergency ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of _____ Fire Protection District be authorized to provide emergency ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of emergency ambulance service and the levy, the district shall forthwith commence such service.

5. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

6. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service or partial or complete support of ~~[an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician]~~ a paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the _____ Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?

☐ FOR THE PROPOSITION

☐ AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

321.620. AMBULANCE SERVICES MAY BE PROVIDED — EMERGENCY, DEFINED — ELECTION HELD WHEN, PROCEDURE TO CALL — ADDITIONAL TAX LEVY, PARAMEDIC FIRST RESPONDER PROGRAM, AMOUNT — IF TAX LEVY FAILS, OLD LEVY TO REMAIN IN EFFECT. —

1. Fire protection districts in first class counties may, in addition to their other powers and duties, provide ambulance service within their district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an ambulance service as it does in operating its fire protection service. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

2. The proposition to furnish ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board or upon petition by five hundred voters of such district.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of _____ Fire Protection District be authorized to provide ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of ambulance service and the levy, the district shall forthwith commence such service.

5. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service, or partial or complete support of ~~[an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician]~~ a paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the _____ Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?

☐ FOR THE PROPOSITION

☐ AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote).

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

334.036. ASSISTANT PHYSICIANS — DEFINITIONS — LIMITATION ON PRACTICE — LICENSURE, RULEMAKING AUTHORITY — COLLABORATIVE PRACTICE ARRANGEMENTS — INSURANCE REIMBURSEMENT. — 1. For purposes of this section, the following terms shall mean:

(1) "Assistant physician", any **graduate of a medical school** ~~[graduate]~~ **accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or an organization accredited by the Educational Commission for Foreign Medical Graduates** who:

(a) Is a resident and citizen of the United States or is a legal resident alien;

(b) Has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the three-year period immediately preceding application for licensure as an assistant physician, or within three years after graduation from a medical college or osteopathic medical college, whichever is later;

(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding three-year period unless when such three-year anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language.

Any **graduate of a medical school** ~~[graduate]~~ who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

(2) "Assistant physician collaborative practice arrangement", an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037[;]

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

~~(3) "Medical school graduate", any person who has graduated from a medical college or osteopathic medical college described in section 334.031].~~

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state ~~for in any pilot project areas established in which assistant physicians may practice].~~

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) — For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. No licensure fee for an assistant physician shall exceed the amount of any licensure fee for a physician assistant. An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule. No rule or regulation shall require an assistant physician to complete more hours of continuing medical education than that of a licensed physician.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

(3) Any rules or regulations regarding assistant physicians in effect as of the effective date of this section that conflict with the provisions of this section and section 334.037 shall be null and void as of the effective date of this section.

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

7. Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis that the health carrier or health benefit plan covers the service when it is delivered by another comparable mid-level health care provider including, but not limited to, a physician assistant.

334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, CONTENTS, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NOTICE OF COLLABORATIVE PRACTICE OR PHYSICIAN ASSISTANT AGREEMENTS TO BOARD, WHEN —

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

CERTAIN NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN — CONTRACT LIMITATIONS.

— 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. **(1)** Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

(2) Notwithstanding any other provision of this section to the contrary, a collaborative practice arrangement may delegate to an advanced practice registered nurse the authority to administer, dispense, or prescribe Schedule II controlled substances for hospice patients; provided, that the advanced practice registered nurse is employed by a hospice provider certified pursuant to chapter 197 and the advanced practice registered nurse is providing care to hospice patients pursuant to a collaborative practice arrangement that designates the certified hospice as a location where the advanced practice registered nurse is authorized to practice and prescribe.

(3) Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

(4) An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except **as specified in this paragraph. The following provisions shall apply with respect to this requirement:**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

a. Until August 28, 2025, an advanced practice registered nurse providing services in a correctional center, as defined in section 217.010, and his or her collaborating physician shall satisfy the geographic proximity requirement if they practice within two hundred miles by road of one another. An incarcerated patient who requests or requires a physician consultation shall be treated by a physician as soon as appropriate;

b. The collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210 (42 U.S.C. Section 1395x, as amended), as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic[-];

c. The collaborative practice arrangement may allow for geographic proximity to be waived when the arrangement outlines the use of telehealth, as defined in section 191.1145;

d. In addition to the waivers and exemptions provided in this subsection, an application for a waiver for any other reason of any applicable geographic proximity shall be available if a physician is collaborating with an advanced practice registered nurse in excess of any geographic proximity limit. The board of nursing and the state board of registration for the healing arts shall review each application for a waiver of geographic proximity and approve the application if the boards determine that adequate supervision exists between the collaborating physician and the advanced practice registered nurse. The boards shall have forty-five calendar days to review the completed application for the waiver of geographic proximity. If no action is taken by the boards within forty-five days after the submission of the application for a waiver, then the application shall be deemed approved. If the application is denied by the boards, the provisions of section 536.063 for contested cases shall apply and govern proceedings for appellate purposes; and

e. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; ~~and~~

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection; and

(11) If a collaborative practice arrangement is used in clinical situations where a collaborating advanced practice registered nurse provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the collaborating physician or any other physician designated in the collaborative practice arrangement shall be present for sufficient periods of time, at least once every two weeks, except in extraordinary circumstances that shall be documented, to participate in a chart review and to provide necessary medical direction, medical services, consultations, and supervision of the health care staff.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to ~~[specifying geographic areas to be covered,]~~ the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. **Any rules relating to geographic proximity shall allow a collaborating physician and a collaborating advanced practice registered nurse to practice within two hundred miles by road of one another until August 28, 2025, if the nurse is providing services in a correctional center, as defined in section 217.010.** Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his **or her** medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice ~~[agreement]~~ **arrangement**, including collaborative practice ~~[agreements]~~ **arrangements** delegating the authority to prescribe controlled substances, or physician assistant ~~[agreement]~~ **collaborative practice arrangement** and also report to the board the name of each licensed professional with whom the physician has entered into such ~~[agreement]~~ **arrangement**. The

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board ~~may~~ **shall** make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such ~~agreements~~ **arrangements** to ensure that ~~agreements~~ **arrangements** are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than six full-time equivalent advanced practice registered nurses, full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, **or to collaborative practice arrangements between a primary care physician and a primary care advanced practice registered nurse or a behavioral health physician and a behavioral health advanced practice registered nurse, where the collaborating physician is new to a patient population to which the advanced practice registered nurse is familiar.**

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other ~~agreement~~ **term of employment** shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other ~~agreement~~ **term of employment** shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.735. DEFINITIONS — SCOPE OF PRACTICE — PROHIBITED ACTIVITIES — BOARD OF HEALING ARTS TO ADMINISTER LICENSING PROGRAM — DUTIES AND LIABILITY OF

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Matter in bold-face type is proposed language.

PHYSICIANS — COLLABORATIVE PRACTICE ARRANGEMENT REQUIREMENTS. — 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Collaborative practice arrangement", written agreements, jointly agreed upon protocols, or standing orders, all of which shall be in writing, for the delivery of health care services;
- (5) "Department", the department of commerce and insurance or a designated agency thereof;
- (6) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (7) "Physician assistant", a person who has graduated from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor agency, prior to 2001, or the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (8) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749.

2. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
- (2) Performing physical examinations of a patient;
- (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
- (4) Performing routine therapeutic procedures;
- (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
- (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a collaborating physician;
- (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
- (8) Assisting in surgery; and
- (9) Performing such other tasks not prohibited by law under the collaborative practice arrangement with a licensed physician as the physician assistant has been trained and is proficient to perform.

3. Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a collaborative practice arrangement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a collaborative practice arrangement which is specific to the clinical

conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the collaborating physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant ~~and the supervising physician~~;

(4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the collaborating physician is not qualified or authorized to prescribe.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician collaboration or in any location where the collaborating physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with a third-party plan or the department of social services as a MO HealthNet or Medicaid provider while acting under a collaborative practice arrangement between the physician and physician assistant.

6. The licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, collaboration, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

8. **(1)** A physician may enter into collaborative practice arrangements with physician assistants. Collaborative practice arrangements, which shall be in writing, may delegate to a physician assistant the authority to prescribe, administer, or dispense drugs and provide treatment which is within the skill, training, and competence of the physician assistant. Collaborative practice arrangements may delegate to a physician assistant, as defined in section 334.735, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone. Schedule III narcotic controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of a written arrangement, jointly agreed-upon protocols, or standing orders for the delivery of health care services.

(2) Notwithstanding any other provision of this section to the contrary, a collaborative practice arrangement may delegate to a physician assistant the authority to administer, dispense, or prescribe Schedule II controlled substances for hospice patients; provided, that the physician

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assistant is employed by a hospice provider certified pursuant to chapter 197 and the physician assistant is providing care to hospice patients pursuant to a collaborative practice arrangement that designates the certified hospice as a location where the physician assistant is authorized to practice and prescribe.

9. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the physician assistant;

(2) A list of all other offices or locations, other than those listed in subdivision (1) of this subsection, where the collaborating physician has authorized the physician assistant to prescribe;

(3) A requirement that there shall be posted at every office where the physician assistant is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by a physician assistant and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the physician assistant;

(5) The manner of collaboration between the collaborating physician and the physician assistant, including how the collaborating physician and the physician assistant will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, as determined by the board of registration for the healing arts; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency of the collaborating physician;

(6) A list of all other written collaborative practice arrangements of the collaborating physician and the physician assistant;

(7) The duration of the written practice arrangement between the collaborating physician and the physician assistant;

(8) A description of the time and manner of the collaborating physician's review of the physician assistant's delivery of health care services. The description shall include provisions that the physician assistant shall submit a minimum of ten percent of the charts documenting the physician assistant's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days. Reviews may be conducted electronically;

(9) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the physician assistant prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (8) of this subsection; and

(10) A statement that no collaboration requirements in addition to the federal law shall be required for a physician-physician assistant team working in a certified community behavioral health clinic as defined by Pub.L. 113-93, or a rural health clinic under the federal Rural Health Services Act, Pub.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section ~~1395 of the Public Health Service Act~~ **1395x**, as amended.

10. The state board of registration for the healing arts under section 334.125 may promulgate rules regulating the use of collaborative practice arrangements.

11. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to a physician assistant, provided that the provisions of this section and the rules promulgated thereunder are satisfied.

12. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each physician assistant with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that the arrangements are carried out in compliance with this chapter.

13. The collaborating physician shall determine and document the completion of a period of time during which the physician assistant shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2009.

14. No contract or other arrangement shall require a physician to act as a collaborating physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant. No contract or other arrangement shall require any physician assistant to collaborate with any physician against the physician assistant's will. A physician assistant shall have the right to refuse to collaborate, without penalty, with a particular physician.

15. Physician assistants shall file with the board a copy of their collaborating physician form.

16. No physician shall be designated to serve as a collaborating physician for more than six full-time equivalent licensed physician assistants, full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to physician assistant collaborative practice arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.

17. No arrangement made under this section shall supercede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital, as defined in section 197.020, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

334.747. PRESCRIBING CONTROLLED SUBSTANCES AUTHORIZED, WHEN — COLLABORATING PHYSICIANS — CERTIFICATION. — 1. **(1)** A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Such authority shall be listed on the collaborating physician form on file with the state board of healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the collaborating physician form. Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a collaborative practice arrangement are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III **narcotic** controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use

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disorders under the direction of the collaborating physician. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) Notwithstanding any other provision of this section to the contrary, a collaborative practice arrangement may delegate to a physician assistant the authority to administer, dispense, or prescribe Schedule II controlled substances for hospice patients; provided, that the physician assistant is employed by a hospice provider certified pursuant to chapter 197 and the physician assistant is providing care to hospice patients pursuant to a collaborative practice arrangement that designates the certified hospice as a location where the physician assistant is authorized to practice and prescribe.

2. The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the collaborating physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a collaborating physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

335.016. DEFINITIONS. — As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) "Accredited", the official authorization or status granted by an agency for a program through a voluntary process;

(2) "Advanced practice registered nurse" or "APRN", a ~~nurse who has education beyond the basic nursing education and is certified by a nationally recognized professional organization as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section. Advanced practice nurses and only such individuals may use the title "Advanced Practice Registered Nurse" and~~

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~~the abbreviation "APRN"]~~ **person who is licensed under the provisions of this chapter to engage in the practice of advanced practice nursing as a certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist;**

(3) "Approval", official recognition of nursing education programs which meet standards established by the board of nursing;

(4) "Board" or "state board", the state board of nursing;

(5) "Certified clinical nurse specialist", a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;

(6) "Certified nurse midwife", a registered nurse who is currently certified as a nurse midwife by the American ~~[College of Nurse-Midwives]~~ **Midwifery Certification Board**, or other nationally recognized certifying body approved by the board of nursing;

(7) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

(8) "Certified registered nurse anesthetist", a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the ~~[Council on Recertification of Nurse Anesthetists]~~ **National Board of Certification and Recertification for Nurse Anesthetists**, or other nationally recognized certifying body approved by the board of nursing;

(9) "Executive director", a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

(10) "Inactive ~~[nurse]~~ license status", as defined by rule pursuant to section 335.061;

(11) "Lapsed license status", as defined by rule under section 335.061;

(12) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

(13) "Licensure", the issuing of a license ~~[to practice professional or practical nursing]~~ **to candidates who have met the [specified] requirements specified under this chapter, authorizing the person to engage in the practice of advanced practice, professional, or practical nursing**, and the recording of the names of those persons as holders of a license to practice **advanced practice**, professional, or practical nursing;

(14) **"Practice of advanced practice nursing", the performance for compensation of activities and services consistent with the required education, training, certification, demonstrated competencies, and experiences of an advanced practice registered nurse;**

(15) **"Practice of practical nursing", the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;**

~~[(15)]~~ (16) **"Practice of professional nursing", the performance for compensation of any act or action which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social, behavioral, and nursing sciences, including, but not limited to:**

- (a) Responsibility for the **promotion and** teaching of health care and the prevention of illness to the patient and his or her family;
 - (b) Assessment, **data collection**, nursing diagnosis, nursing care, **evaluation**, and counsel of persons who are ill, injured, or experiencing alterations in normal health processes;
 - (c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;
 - (d) The coordination and assistance in the **determination and** delivery of a plan of health care with all members of a health team;
 - (e) The teaching and supervision of other persons in the performance of any of the foregoing;
- ~~[(16)-A]~~ **(17)** "Registered professional nurse" or "registered nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;
- ~~[(17)]~~ **(18)** "Retired license status", any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. PRESCRIPTIVE AUTHORITY, WHEN — CERTIFICATE OF CONTROLLED SUBSTANCE PRESCRIPTIVE AUTHORITY, ISSUED WHEN. — 1. An advanced practice registered nurse's prescriptive authority shall include authority to:

- (1) Prescribe, dispense, and administer medications and nonscheduled legend drugs, as defined in section 338.330, within such APRN's practice and specialty; and**
- (2) Notwithstanding any other provision of this chapter to the contrary, receive, prescribe, administer, and provide nonscheduled legend drug samples from pharmaceutical manufacturers to patients at no charge to the patient or any other party.**

2. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse who:

- (1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines, and therapeutic devices; and
- (2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and
- (3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and
- (4) Has a controlled substance prescribing authority delegated in the collaborative practice arrangement under section 334.104 with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.

335.036. DUTIES OF BOARD — FEES SET, HOW — FUND, SOURCE, USE, FUNDS TRANSFERRED FROM, WHEN — RULEMAKING. — 1. The board shall:

- (1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection 11 of section 324.001 as are necessary to administer the provisions of sections 335.011 to ~~[335.096]~~ **335.099**;

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(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to ~~[335.096]~~ **335.099**;

(3) Prescribe minimum standards for educational programs preparing persons for licensure **as a registered professional nurse or licensed practical nurse** pursuant to the provisions of sections 335.011 to ~~[335.096]~~ **335.099**;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as "approved" such programs as meet the requirements of sections 335.011 to ~~[335.096]~~ **335.099** and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

(8) Cause the prosecution of all persons violating provisions of sections 335.011 to ~~[335.096]~~ **335.099**, and may incur such necessary expenses therefor;

(9) Keep a record of all the proceedings; and make an annual report to the governor and to the director of the department of commerce and insurance.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to ~~[335.096]~~ **335.099** shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those purposes. The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.

4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

335.046. LICENSE, APPLICATION FOR — QUALIFICATIONS FOR, FEE — HEARING ON DENIAL OF LICENSE. — 1. An applicant for a license to practice as a registered professional nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. The applicant shall be of good moral character and have completed at least the high school course of study, or the equivalent thereof as determined by the state board of education, and have successfully completed the basic professional curriculum in an accredited

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or approved school of nursing and earned a professional nursing degree or diploma. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice nursing as a registered professional nurse. The applicant for a license to practice registered professional nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

2. An applicant for license to practice as a licensed practical nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. Such applicant shall be of good moral character, and have completed at least two years of high school, or its equivalent as established by the state board of education, and have successfully completed a basic prescribed curriculum in a state-accredited or approved school of nursing, earned a nursing degree, certificate or diploma and completed a course approved by the board on the role of the practical nurse. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking countries shall be required to submit evidence of their proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice as a licensed practical nurse. The applicant for a license to practice licensed practical nursing shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

3. **(1) An applicant for a license to practice as an advanced practice registered nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain:**

(a) Statements showing the applicant's education and other such pertinent information as the board may require; and

(b) A statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

(2) The applicant for a license to practice as an advanced practice registered nurse shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants.

(3) An applicant shall:

(a) Hold a current registered professional nurse license or privilege to practice, shall not be currently subject to discipline or any restrictions, and shall not hold an encumbered license or privilege to practice as a registered professional nurse or advanced practice registered nurse in any state or territory;

(b) Have completed an accredited graduate-level advanced practice registered nurse program and achieved at least one certification as a clinical nurse specialist, nurse midwife, nurse practitioner, or registered nurse anesthetist, with at least one population focus prescribed by rule of the board;

(c) Be currently certified by a national certifying body recognized by the Missouri state board of nursing in the advanced practice registered nurse role; and

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(d) Have a population focus on his or her certification, corresponding with his or her educational advanced practice registered nurse program.

(4) Any person holding a document of recognition to practice nursing as an advanced practice registered nurse in this state that is current on August 28, 2023, shall be deemed to be licensed as an advanced practice registered nurse under the provisions of this section and shall be eligible for renewal of such license under the conditions and standards prescribed in this chapter and as prescribed by rule.

4. Upon refusal of the board to allow any applicant to ~~sit for~~ **take** either the registered professional nurses' examination or the licensed practical nurses' examination, ~~as the case may be,~~ **or upon refusal to issue an advanced practice registered nurse license**, the board shall comply with the provisions of section 621.120 and advise the applicant of his or her right to have a hearing before the administrative hearing commission. The administrative hearing commission shall hear complaints taken pursuant to section 621.120.

~~[4-]~~ 5. The board shall not deny a license because of sex, religion, race, ethnic origin, age or political affiliation.

335.051. RECIPROCITY — LICENSE WITHOUT EXAMINATION, TEMPORARY LICENSE, WHEN. — 1. The board shall issue a license to practice nursing as ~~either~~ **an advanced practice registered nurse**, a registered professional nurse, or a licensed practical nurse without examination to an applicant who has duly become licensed as ~~a~~ **an advanced practice registered nurse**, registered nurse, or licensed practical nurse pursuant to the laws of another state, territory, or foreign country if the applicant meets the qualifications required of **advanced practice registered nurses**, registered nurses, or licensed practical nurses in this state at the time the applicant was originally licensed in the other state, territory, or foreign country.

2. Applicants from foreign countries shall be licensed as prescribed by rule.

3. Upon application, the board shall issue a temporary permit to an applicant pursuant to subsection 1 of this section for a license as ~~either~~ **an advanced practice registered nurse**, a registered professional nurse, or a licensed practical nurse who has made a prima facie showing that the applicant meets all of the requirements for such a license. The temporary permit shall be effective only until the board shall have had the opportunity to investigate his **or her** qualifications for licensure pursuant to subsection 1 of this section and to notify the applicant that his or her application for a license has been either granted or rejected. In no event shall such temporary permit be in effect for more than twelve months after the date of its issuance nor shall a permit be reissued to the same applicant. No fee shall be charged for such temporary permit. The holder of a temporary permit which has not expired, or been suspended or revoked, shall be deemed to be the holder of a license issued pursuant to section 335.046 until such temporary permit expires, is terminated or is suspended or revoked.

335.056. RENEWAL OF LICENSE, WHEN DUE, FEE — UNLICENSED PRACTICE PROHIBITED — APRN RENEWAL, REQUIREMENTS. — 1. The license of every person licensed under the provisions of ~~sections 335.011 to 335.096~~ **this chapter** shall be renewed as provided. An application for renewal of license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal. Any person who practices nursing as **an advanced practice registered nurse**, a registered professional nurse, or ~~as~~ a licensed practical nurse during the time his **or her** license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the provisions of sections 335.011 to ~~335.096~~ **335.099**.

2. The renewal of advanced practice registered nurse licenses and registered professional nurse licenses shall occur at the same time, as prescribed by rule. Failure to renew and maintain the registered professional nurse license or privilege to practice or failure to provide the required fee and evidence of active certification or maintenance of certification as prescribed by rules and regulations shall result in expiration of the advanced practice registered nurse license.

3. A licensed nurse who holds an APRN license shall be disciplined on their APRN license for any violations of this chapter.

335.076. TITLES, RN, LPN, AND APRN, WHO MAY USE.— 1. Any person who holds a license to practice professional nursing in this state may use the title "Registered Professional Nurse" and the abbreviation ~~["R.N."] "RN"~~. No other person shall use the title "Registered Professional Nurse" or the abbreviation ~~["R.N."] "RN"~~. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse.

2. Any person who holds a license to practice practical nursing in this state may use the title "Licensed Practical Nurse" and the abbreviation ~~["L.P.N."] "LPN"~~. No other person shall use the title "Licensed Practical Nurse" or the abbreviation ~~["L.P.N."] "LPN"~~. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse.

3. Any person who holds a license ~~[or recognition]~~ to practice advanced practice nursing in this state may use the title "Advanced Practice Registered Nurse", **the designations of "certified registered nurse anesthetist", "certified nurse midwife", "certified clinical nurse specialist", and "certified nurse practitioner"**, and the ~~[abbreviation]~~ **abbreviations "APRN", [and any other title designations appearing on his or her license] "CRNA", "CNM", "CNS", and "NP", respectively.** No other person shall use the title "Advanced Practice Registered Nurse" or the abbreviation "APRN". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is an advanced practice registered nurse.

4. No person shall practice or offer to practice professional nursing, practical nursing, or advanced practice nursing in this state or use any title, sign, abbreviation, card, or device to indicate that such person is a practicing professional nurse, practical nurse, or advanced practice nurse unless he or she has been duly licensed under the provisions of this chapter.

5. In the interest of public safety and consumer awareness, it is unlawful for any person to use the title "nurse" in reference to himself or herself in any capacity, except individuals who are or have been licensed as a registered nurse, licensed practical nurse, or advanced practice registered nurse under this chapter.

6. Notwithstanding any law to the contrary, nothing in this chapter shall prohibit a Christian Science nurse from using the title "Christian Science nurse", so long as such person provides only religious nonmedical services when offering or providing such services to those who choose to rely upon healing by spiritual means alone and does not hold his or her own religious organization and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist, or nurse anesthetist, unless otherwise authorized by law to do so.

335.086. USE OF FRAUDULENT CREDENTIALS PROHIBITED.— No person, firm, corporation or association shall:

(1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to furnish any nursing diploma, license, renewal or record or aid or abet therein;

(2) Practice ~~[professional or practical]~~ nursing as defined by sections 335.011 to ~~[335.096]~~ **335.099** under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice ~~[professional nursing or practical]~~ nursing as defined by sections 335.011 to ~~[335.096]~~ **335.099** unless duly licensed to do so under the provisions of sections 335.011 to ~~[335.096]~~ **335.099**;

(4) Use in connection with his **or her** name any designation tending to imply that he **or she** is a licensed **advanced practice registered nurse, a licensed** registered professional nurse, or a licensed practical nurse unless duly licensed so to practice under the provisions of sections 335.011 to ~~[335.096]~~ **335.099**;

(5) Practice ~~[professional nursing or practical]~~ nursing during the time his **or her** license issued under the provisions of sections 335.011 to ~~[335.096]~~ **335.099** shall be suspended or revoked; or

(6) Conduct a nursing education program for the preparation of professional or practical nurses unless the program has been accredited by the board.

335.175. UTILIZATION OF TELEHEALTH BY NURSES ESTABLISHED. — 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the "Utilization of Telehealth by Nurses". An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth ~~[in the care of the patient and if the services are provided in a rural area of need.]~~ Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, "telehealth" shall have the same meaning as such term is defined in section 191.1145.

~~[3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.~~

~~(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.~~

~~4. For purposes of this section, "rural area of need" means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.]~~

335.203. NURSING EDUCATION INCENTIVE PROGRAM ESTABLISHED — GRANTS AUTHORIZED, ELIGIBILITY — ADMINISTRATION — RULEMAKING AUTHORITY. — 1. There is hereby established the "Nursing Education Incentive Program" within the state board of nursing.

2. Subject to appropriation and board disbursement, grants shall be awarded through the nursing education incentive program to eligible institutions of higher education based on criteria jointly determined by the board and the department of higher education and workforce development. ~~[Grant award amounts shall not exceed one hundred fifty thousand dollars.]~~ No campus shall receive more than one grant per year.

3. To be considered for a grant, an eligible institution of higher education shall offer a program of nursing that meets the predetermined category and area of need as established by the board and the department under subsection 4 of this section.

4. The board and the department shall determine categories and areas of need for designating grants to eligible institutions of higher education. In establishing categories and areas of need, the board and department may consider criteria including, but not limited to:

(1) Data generated from licensure renewal data and the department of health and senior services; and

(2) National nursing statistical data and trends that have identified nursing shortages.

5. The board shall be the administrative agency responsible for implementation of the program established under sections 335.200 to 335.203, and shall promulgate reasonable rules for the exercise of its functions and the effectuation of the purposes of sections 335.200 to 335.203. The board shall, by rule, prescribe the form, time, and method of filing applications and shall supervise the processing of such applications.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

335.205. LICENSURE, SURCHARGE, AMOUNT. — The board, in addition to any other duties it may have regarding licensure of nurses, shall collect, at the time of any initial license application or license renewal application, a nursing education incentive program surcharge from each person licensed or relicensed under chapter 335, in the amount of one dollar per year for practical nurses and five dollars per year for registered professional nurses. These funds shall be deposited in the state board of nursing fund described in section 335.036.

537.037. EMERGENCY CARE, NO CIVIL LIABILITY, EXCEPTIONS (GOOD SAMARITAN LAW).

— 1. Any physician or surgeon, registered professional nurse or licensed practical nurse licensed to practice in this state under the provisions of chapter 334 or 335, or licensed to practice under the equivalent laws of any other state and any person licensed as ~~a mobile~~ **an** emergency medical technician under the provisions of chapter 190, may:

(1) In good faith render emergency care or assistance, without compensation, at the scene of an emergency or accident, and shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care;

(2) In good faith render emergency care or assistance, without compensation, to any minor involved in an accident, or in competitive sports, or other emergency at the scene of an accident, without first obtaining the consent of the parent or guardian of the minor, and shall not be liable for any civil damages other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering the emergency care.

2. Any other person who has been trained to provide first aid in a standard recognized training program may, without compensation, render emergency care or assistance to the level for which he or she has been trained, at the scene of an emergency or accident, and shall not be liable for civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

3. Any mental health professional, as defined in section 632.005, or qualified counselor, as defined in section 631.005, or any practicing medical, osteopathic, or chiropractic physician, or certified nurse practitioner, or physicians' assistant may in good faith render suicide prevention interventions at the scene of a threatened suicide and shall not be liable for any civil damages for acts or omissions other

than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such suicide prevention interventions.

4. Any other person may, without compensation, render suicide prevention interventions at the scene of a threatened suicide and shall not be liable for civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such suicide prevention interventions.

579.088. FENTANYL, DEVICES TO DETECT THE PRESENCE OF PERMITTED. — Notwithstanding any other provision of this chapter or chapter 195 to the contrary, it shall not be unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances to detect the presence of fentanyl or any synthetic controlled substance fentanyl analogue.

630.1150. FOSTER CHILDREN WITH MENTAL ILLNESS, CONTINUED HOSPITALIZATION OF — COLLABORATIVE PROJECT, REQUIREMENTS — INTERIM REPORT — EXPIRATION — 1. The department of mental health and the department of social services shall oversee and implement a collaborative project to:

(1) Assess the incidence and implications of continued hospitalization of foster children and clients of the department of mental health that occurs without medical justification because appropriate postdischarge placement options are unavailable;

(2) Assess the incidence and implications of continued hospitalization of foster children with mental illnesses, mental disorders, intellectual disabilities, and developmental disabilities that occurs without medical justification because they are awaiting screening for appropriateness of residential services; and

(3) Develop recommendations to ensure that patients described in this subsection receive treatment in the most cost-effective and efficacious settings, consistent with federal and state standards for treatment in the least restrictive environment.

2. The departments shall solicit and consider data and recommendations from foster children, clients of the department of mental health, and other stakeholders who may provide or coordinate treatment, or have responsibility, for such children or patients, including:

(1) Hospital social workers and discharge planners;

(2) Health insurers;

(3) Psychiatrists and psychologists;

(4) Hospitals, as defined in section 197.020;

(5) Skilled nursing facilities and intermediate care facilities licensed under chapter 198;

(6) Vendors, as defined in section 630.005;

(7) Vulnerable persons or persons under the care and custody of the children's division of the department of social services;

(8) Consumers;

(9) Public elementary and secondary schools;

(10) Family support teams and case workers; and

(11) The courts.

3. The departments shall issue interim reports by December 31, 2023, and July 1, 2024, and a final report by December 1, 2024. Copies of each report shall be submitted concurrently to the general assembly.

4. The provisions of this section shall expire on January 1, 2025.

632.305. DETENTION FOR EVALUATION AND TREATMENT, WHO MAY REQUEST — PROCEDURE — DURATION — DISPOSITION AFTER APPLICATION. — 1. An application for

detention for evaluation and treatment may be executed by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, on a form provided by the court for such purpose, and shall allege under oath, without a notarization requirement, that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or to others. The application shall specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of such facts through personal observation.

2. The filing of a written application in court by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, shall authorize the applicant to bring the matter before the court on an ex parte basis to determine whether the respondent should be taken into custody and transported to a mental health facility. The application may be filed in the court having probate jurisdiction in any county where the respondent may be found. If the court finds that there is probable cause, either upon testimony under oath or upon a review of affidavits, **declarations, or other supporting documentation**, to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or others, it shall direct a peace officer to take the respondent into custody and transport him or her to a mental health facility for detention for evaluation and treatment for a period not to exceed ninety-six hours unless further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

3. A mental health coordinator may request a peace officer to take or a peace officer may take a person into custody for detention for evaluation and treatment for a period not to exceed ninety-six hours only when such mental health coordinator or peace officer has reasonable cause to believe that such person is suffering from a mental disorder and that the likelihood of serious harm by such person to himself or herself or others is imminent unless such person is immediately taken into custody. Upon arrival at the mental health facility, the peace officer or mental health coordinator who conveyed such person or caused him or her to be conveyed shall either present the application for detention for evaluation and treatment upon which the court has issued a finding of probable cause and the respondent was taken into custody or complete an application for initial detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be based upon his or her own personal observations or investigations and shall contain the information required in subsection 1 of this section.

4. If a person presents himself or herself or is presented by others to a mental health facility and a licensed physician, a registered professional nurse or a mental health professional designated by the head of the facility and approved by the department for such purpose has reasonable cause to believe that the person is mentally disordered and presents an imminent likelihood of serious harm to himself or herself or others unless he or she is accepted for detention, the licensed physician, the mental health professional or the registered professional nurse designated by the facility and approved by the department may complete an application for detention for evaluation and treatment for a period not to exceed ninety-six hours. The application shall be based on his or her own personal observations or investigation and shall contain the information required in subsection 1 of this section.

5. ~~[Any oath required by the provisions of this section]~~ **No notarization shall be required for an application or any affidavits, declarations, or other documents supporting an application. The application and any affidavits, declarations, or other documents supporting the application shall be subject to the provisions of section 492.060 allowing for declaration under penalty of perjury.**

650.320. DEFINITIONS. — For the purposes of sections 650.320 to 650.340, the following terms mean:

- (1) **"Ambulance service", the same meaning given to the term in section 190.100;**
- (2) **"Board", the Missouri 911 service board established in section 650.325;**
- (3) **"Dispatch agency", the same meaning given to the term in section 190.100;**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(4) "Medical director", the same meaning given to the term in section 190.100;

(5) "Memorandum of understanding", the same meaning given to the term in section 190.100;

~~[(2)]~~ (6) "Public safety answering point", the location at which 911 calls are answered;

~~[(3)]~~ (7) "Telecommunicator", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

650.340. 911 TRAINING AND STANDARDS — REQUIREMENTS. — 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for telecommunicators who answer 911 calls that come to public safety answering points shall be as follows:

- (1) Police telecommunicator, 16 hours;
- (2) Fire telecommunicator, 16 hours;
- (3) Emergency medical services telecommunicator, 16 hours;
- (4) Joint communication center telecommunicator, 40 hours.

3. All persons employed as a telecommunicator in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section.

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which is at least as stringent as the training requirements of subsection 2 of this section.

6. The board shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. ~~[This section shall not apply to an emergency medical dispatcher or agency as defined in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134.]~~ **The board shall be responsible for the approval of training courses for emergency medical dispatchers. The board shall develop necessary rules and regulations in collaboration with the state EMS medical director's advisory committee, as described in section 190.103, which may provide recommendations relating to the medical aspects of prearrival medical instructions.**

8. A dispatch agency is required to have a memorandum of understanding with all ambulance services that it dispatches. If a dispatch agency provides prearrival medical instructions, it is required to have a medical director whose duties include the maintenance of standards and approval of protocols or guidelines.

701.336. DEPARTMENT TO COOPERATE WITH FEDERAL GOVERNMENT — INFORMATION TO BE PROVIDED TO CERTAIN PERSONS — LEAD TESTING OF CHILDREN, STRATEGY TO INCREASE NUMBER. — 1. The department of health and senior services shall cooperate with the federal government in implementing subsections (d) and (e) of 15 U.S.C. Section 2685 to establish public education activities and an information clearinghouse regarding childhood lead poisoning. The department may develop additional educational materials on lead hazards to children, lead poisoning

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prevention, lead poisoning screening, lead abatement and disposal, and on health hazards during abatement.

2. The department of health and senior services and the department of social services, in collaboration with related not-for-profit organizations, health maintenance organizations, and the Missouri consolidated health care plan, shall devise an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid program. ~~[The goal of the educational strategy is to have seventy-five percent of the children who receive Medicaid tested for lead poisoning. The educational strategy shall be implemented over a three-year period and shall be in accordance with all federal laws and regulations.]~~

3. The children's division, in collaboration with the department of health and senior services, shall regularly inform eligible clients of the availability and desirability of lead screening and treatment services, including those available through the early and periodic screening, diagnosis, and treatment (EPSDT) component of the Medicaid program.

701.340. CHILDHOOD LEAD TESTING PROGRAM — EDUCATION TO PARENTS — TEST TO BE USED — PARENTAL OBJECTION. — 1. ~~[Beginning January 1, 2002,]~~ The department of health and senior services shall, subject to appropriations, implement a childhood lead testing program ~~[which requires every child less than six years of age to be tested for lead poisoning]~~ in accordance with the provisions of sections 701.340 to 701.349. **Every medical provider who serves children shall annually provide education to all parents and guardians of children under four years of age regarding lead hazards to children and shall annually provide the option to test every child under four years of age for lead poisoning with the consent of the parent or guardian.** In coordination with the department of health and senior services, every health care facility serving children ~~[less than six]~~ **under four** years of age, including but not limited to hospitals and clinics licensed pursuant to chapter 197, shall take appropriate steps to ensure that ~~[their patients receive]~~ **the medical providers in the facility offer** such lead poisoning testing **in accordance with the provisions of this section.**

2. The test for lead poisoning shall consist of a blood sample that shall be sent for analysis to a laboratory licensed pursuant to the federal Clinical Lab Improvement Act (CLIA). The department of health and senior services shall, by rule, determine the blood test protocol to be used.

3. Nothing in sections 701.340 to 701.349 shall be construed to require a child to undergo lead testing whose parent or guardian objects to the testing ~~[in a written statement that states the parent's or guardian's reason for refusing such testing].~~

701.342. HIGH RISK AREAS IDENTIFIED — ASSESSMENT AND TESTING REQUIREMENTS — LABORATORY REPORTING — ADDITIONAL TESTING REQUIRED, WHEN. — 1. The department of health and senior services shall, using factors established by the department, including but not limited to the geographic index from data from testing reports, identify geographic areas in the state that are at high risk for lead poisoning. ~~[All children less than six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested annually for lead poisoning.]~~

2. Every child ~~[less than]~~ **under** six years of age ~~[not residing or spending more than ten hours a week in geographic areas identified as high risk by the department]~~ shall be assessed annually using a questionnaire to determine whether such child is at high risk for lead poisoning. The department, in collaboration with the department of social services, shall develop the questionnaire, which shall follow the recommendations of the federal Centers for Disease Control and Prevention. The department may modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

3. Every child deemed to be at high risk for lead poisoning according to the questionnaire developed pursuant to subsection 2 of this section shall, **with the consent of a parent or guardian**, be tested using a blood sample.

4. ~~[Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations may be tested at least once every six months during the renovation and once after the completion of the renovation.]~~

~~5.]~~ Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of the test results of any child tested for lead poisoning as required in section 701.326. Any child who tests positive for lead poisoning shall receive follow-up testing in accordance with rules established by the department. The department shall, by rule, establish the methods and intervals of follow-up testing and treatment for such children.

~~[6.]~~ **5.** When the department is notified of a case of lead poisoning, the department shall require the testing of all other children ~~[less than]~~ **under** six years of age, and any other children or persons at risk, as determined by the director, who are residing or have recently resided in the household of the lead-poisoned child.

701.344. EVIDENCE OF LEAD POISONING TESTING REQUIRED FOR CHILD CARE FACILITIES LOCATED IN HIGH RISK AREAS — NO DENIAL OF ACCESS TO EDUCATION PERMITTED. — 1. In geographic areas determined to be of high risk for lead poisoning as set forth in section 701.342, every child care facility, as defined in section 210.201, and every child care facility affiliated with a school system, a business organization or a nonprofit organization shall, within thirty days of enrolling a child **twelve months of age or older and under five years of age**, require the child's parent or guardian to provide evidence of lead poisoning testing in the form of a statement from the health care professional that administered the test or provide a written statement that states the ~~[parent's or guardian's reason for refusing]~~ **parent or guardian refused** such testing. If there is no evidence of testing, the person in charge of the facility shall provide the parent or guardian with information about lead poisoning and locations in the area where the child can be tested. When a parent or guardian cannot obtain such testing, the person in charge of the facility may arrange for the child to be tested by a local health officer with the consent of the child's parent or guardian. At the beginning of each year of enrollment in such facility, the parent or guardian shall provide proof of testing in accordance with the provisions of sections 701.340 to 701.349 and any rules promulgated thereunder.

2. No child shall be denied access to education or child care because of failure to comply with the provisions of sections 701.340 to 701.349.

701.348. POLITICAL SUBDIVISIONS OR STATE AGENCY MAY PROVIDE MORE STRINGENT REQUIREMENTS. — Nothing in sections 701.340 to 701.349 shall prohibit a political subdivision of this state ~~[or]~~, a local board of health, **or a state agency** from enacting and enforcing ordinances, rules or laws for the prevention, detection and control of lead poisoning which provide the same or more stringent provisions as sections 701.340 to 701.349, or the rules promulgated thereunder.

~~**[190.134. DISPATCH AGENCY, REQUIREMENTS.** — A dispatch agency is required to have a memorandum of understanding with all ambulance services that it dispatches. If a dispatch agency provides prearrival medical instructions, it is required to have a medical director, whose duties include the maintenance of standards and protocol approval.]~~

~~**[191.500. DEFINITIONS.** — As used in sections 191.500 to 191.550, unless the context clearly indicates otherwise, the following terms mean:~~

~~(1) "Area of defined need", a community or section of an urban area of this state which is certified by the department of health and senior services as being in need of the services of a physician to improve~~

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the patient-doctor ratio in the area, to contribute professional physician services to an area of economic impact, or to contribute professional physician services to an area suffering from the effects of a natural disaster;

(2) "Department", the department of health and senior services;

(3) "Eligible student", a full-time student accepted and enrolled in a formal course of instruction leading to a degree of doctor of medicine or doctor of osteopathy, including psychiatry, at a participating school, or a doctor of dental surgery, doctor of dental medicine, or a bachelor of science degree in dental hygiene;

(4) "Financial assistance", an amount of money paid by the state of Missouri to a qualified applicant pursuant to sections 191.500 to 191.550;

(5) "Participating school", an institution of higher learning within this state which grants the degrees of doctor of medicine or doctor of osteopathy, and which is accredited in the appropriate degree program by the American Medical Association or the American Osteopathic Association, or a degree program by the American Dental Association or the American Psychiatric Association, and applicable residency programs for each degree type and discipline;

(6) "Primary care", general or family practice, internal medicine, pediatrics, psychiatric, obstetric and gynecological care as provided to the general public by physicians licensed and registered pursuant to chapter 334, dental practice, or a dental hygienist licensed and registered pursuant to chapter 332;

(7) "Resident", any natural person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state;

(8) "Rural area", a town or community within this state which is not within a standard metropolitan statistical area, and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a standard metropolitan statistical area.]

[191.505. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER — MAY MAKE RULES AND REGULATIONS. — The department of health and senior services shall be the administrative agency for the implementation of the program established by sections 191.500 to 191.550. The department shall promulgate reasonable rules and regulations for the exercise of its functions in the effectuation of the purposes of sections 191.500 to 191.550. It shall prescribe the form and the time and method of filing applications and supervise the processing thereof.]

[191.510. CONTRACTS FOR LOANS TO INCLUDE TERMS. — The department shall enter into a contract with each applicant receiving a state loan under sections 191.500 to 191.550 for repayment of the principal and interest and for forgiveness of a portion thereof for participation in the service areas as provided in sections 191.500 to 191.550.]

[191.515. REQUIREMENTS FOR APPLICATION. — An eligible student may apply to the department for a loan under sections 191.500 to 191.550 only if, at the time of his application and throughout the period during which he receives the loan, he has been formally accepted as a student in a participating school in a course of study leading to the degree of doctor of medicine or doctor of osteopathy, including psychiatry, or a doctor of dental surgery, a doctor of dental medicine, or a bachelor of science degree in dental hygiene, and is a resident of this state.]

[191.520. MAXIMUM AMOUNT OF LOANS — SOURCE OF FUNDS. — No loan to any eligible student shall exceed twenty-five thousand dollars for each academic year, which shall run from August first of any year through July thirty-first of the following year. All loans shall be made from funds appropriated to the medical school loan and loan repayment program fund created by section 191.600, by the general assembly.]

[191.525. NUMBER OF LOANS AVAILABLE — TO WHOM — LENGTH OF LOANS. — No more than twenty-five loans shall be made to eligible students during the first academic year this program is in effect. ~~Twenty-five new loans may be made for the next three academic years until a total of one hundred loans are available. At least one-half of the loans shall be made to students from rural areas as defined in section 191.500. An eligible student may receive loans for each academic year he is pursuing a course of study directly leading to a degree of doctor of medicine or doctor of osteopathy, doctor of dental surgery, or doctor of dental medicine, or a bachelor of science degree in dental hygiene.]~~

[191.530. INTEREST ON LOANS — REPAYMENT TERMS — TEMPORARY DEFERRAL. — Interest at the rate of nine and one-half percent per year shall be charged on all loans made under sections 191.500 to 191.550 but one-fourth of the interest and principal of the total loan at the time of the awarding of the degree shall be forgiven for each year of participation by an applicant in the practice of his profession in a rural area or an area of defined need. The department shall grant a deferral of interest and principal payments to a loan recipient who is pursuing an internship or a residency in primary care. The deferral shall not exceed three years. The status of each loan recipient receiving a deferral shall be reviewed annually by the department to ensure compliance with the intent of this provision. The loan recipient will repay the loan beginning with the calendar year following completion of his internship or his primary care residency in accordance with the loan contract.]

[191.535. TERMINATION OF COURSE OF STUDY, EFFECT. — If a student ceases his study prior to receiving a degree, interest at the rate specified in section 191.530 shall be charged on the amount received from the state under the provisions of sections 191.500 to 191.550.]

[191.540. REPAYMENT SCHEDULES — BREACH OF CONTRACT. — 1. The department shall establish schedules and procedures for repayment of the principal and interest of any loan made under the provisions of sections 191.500 to 191.550 and not forgiven as provided in section 191.530.

2. A penalty shall be levied against a person in breach of contract. Such penalty shall be twice the sum of the principal and the accrued interest.]

[191.545. RECOVERY — ACTIONS FOR. — When necessary to protect the interest of the state in any loan transaction under sections 191.500 to 191.550, the board may institute any action to recover any amount due.]

[191.550. APPROVAL OF CONTRACTS. — The contracts made with the participating students shall be approved by the attorney general.]

[335.212. DEFINITIONS. — As used in sections 335.212 to 335.242, the following terms mean:

(1) "Board", the Missouri state board of nursing;

(2) "Department", the Missouri department of health and senior services;

(3) "Director", director of the Missouri department of health and senior services;

(4) "Eligible student", a resident who has been accepted as a full-time student in a formal course of instruction leading to an associate degree, a diploma, a bachelor of science, a master of science in nursing (M.S.N.), a doctorate in nursing (Ph.D. or D.N.P.), or a student with a master of science in nursing seeking a doctorate in education (Ed.D.), or leading to the completion of educational requirements for a licensed practical nurse. The doctoral applicant may be a part-time student;

(5) "Participating school", an institution within this state which is approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242, having a nursing department and offering a course of instruction based on nursing theory and clinical nursing experience;

(6) ~~"Qualified applicant", an eligible student approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242;~~

(7) ~~"Qualified employment", employment on a full time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020 or in any agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full time basis may be prorated to reflect the amounts provided in this section;~~

(8) ~~"Resident", any person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state.]~~

[335.215. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAMS — ADVISORY PANEL — MEMBERS — RULES, PROCEDURE. — 1. The department of health and senior services shall be the administrative agency for the implementation of the professional and practical nursing student loan program established under sections 335.212 to 335.242, and the nursing student loan repayment program established under sections 335.245 to 335.259.

2. An advisory panel of nurses shall be appointed by the director. It shall be composed of not more than eleven members representing practical, associate degree, diploma, baccalaureate and graduate nursing education, community health, primary care, hospital, long term care, a consumer, and the Missouri state board of nursing. The panel shall make recommendations to the director on the content of any rules, regulations or guidelines prior to their promulgation. The panel may make recommendations to the director regarding fund allocations for loans and loan repayment based on current nursing shortage needs.

3. The department of health and senior services shall promulgate reasonable rules and regulations for the exercise of its function pursuant to sections 335.212 to 335.259. It shall prescribe the form, the time and method of filing applications and supervise the proceedings thereof. No rule or portion of a rule promulgated under the authority of sections 335.212 to 335.257 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. ~~Ninety five percent of funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in professional nursing programs in participating schools and five percent of the funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in practical nursing programs. Priority shall be given to eligible students who have established financial need. All loan repayment funds pursuant to sections 335.245 to 335.259 shall be used to reimburse successful associate, diploma, baccalaureate or graduate professional nurse applicants' educational loans who agree to serve in areas of defined need as determined by the department.]~~

[335.218. NURSE LOAN REPAYMENT FUND ESTABLISHED — ADMINISTRATION. — There is hereby established the "Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund". All fees pursuant to section 335.221, general revenue appropriations to the student loan or loan repayment program, voluntary contributions to support or match the student loan and loan repayment program activities, funds collected from repayment and penalties, and funds received from the federal government shall be deposited in the state treasury and be placed to the credit of the professional and practical nursing student loan and nurse loan repayment fund. The fund shall be managed by the department of health and senior services and all administrative costs and expenses incurred as a result of the effectuation of sections 335.212 to 335.259 shall be paid from this fund.]

[335.221. EDUCATION SURCHARGE, AMOUNT, DEPOSIT IN NURSING STUDENT LOAN AND NURSE LOAN REPAYMENT FUND. — The board, in addition to any other duties it may have regarding

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

licensure of nurses, shall collect, at the time of licensure or licensure renewal, an education surcharge from each person licensed or relicensed pursuant to sections 335.011 to 335.096, in the amount of one dollar per year for practical nurses and five dollars per year for professional nurses. These funds shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund. All expenditures authorized by sections 335.212 to 335.259 shall be paid from funds appropriated by the general assembly from the professional and practical nursing student loan and nurse loan repayment fund. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.]

[335.224. CONTRACTS FOR REPAYMENT OF LOANS. — The department of health and senior services shall enter into a contract with each qualified applicant receiving financial assistance under the provisions of sections 335.212 to 335.242 for repayment of the principal and interest.]

[335.227. ELIGIBILITY FOR LOAN. — An eligible student may apply to the department for financial assistance under the provisions of sections 335.212 to 335.242 if, at the time of his application for a loan, the eligible student has formally applied for acceptance at a participating school. Receipt of financial assistance is contingent upon acceptance and continued enrollment at a participating school.]

[335.230. FINANCIAL ASSISTANCE, AMOUNT. — Financial assistance to any qualified applicant shall not exceed ten thousand dollars for each academic year for a professional nursing program and shall not exceed five thousand dollars for each academic year for a practical nursing program. All financial assistance shall be made from funds credited to the professional and practical nursing student loan and nurse loan repayment fund. A qualified applicant may receive financial assistance for each academic year he remains a student in good standing at a participating school.]

[335.233. SCHEDULE FOR REPAYMENT OF LOAN — INTEREST, AMOUNT. — The department shall establish schedules for repayment of the principal and interest on any financial assistance made under the provisions of sections 335.212 to 335.242. Interest at the rate of nine and one half percent per annum shall be charged on all financial assistance made under the provisions of sections 335.212 to 335.242, but the interest and principal of the total financial assistance granted to a qualified applicant at the time of the successful completion of a nursing degree, diploma program or a practical nursing program shall be forgiven through qualified employment.]

[335.236. REPAYMENT OF LOAN — WHEN. — The financial assistance recipient shall repay the financial assistance principal and interest beginning not more than six months after completion of the degree for which the financial assistance was made in accordance with the repayment contract. If an eligible student ceases his study prior to successful completion of a degree or graduation at a participating school, interest at the rate specified in section 335.233 shall be charged on the amount of financial assistance received from the state under the provisions of sections 335.212 to 335.242, and repayment, in accordance with the repayment contract, shall begin within ninety days of the date the financial aid recipient ceased to be an eligible student. All funds repaid by recipients of financial assistance to the department shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]

[335.239. DEFERRAL OF REPAYMENT OF LOANS — WHEN. — The department shall grant a deferral of interest and principal payments to a financial assistance recipient who is pursuing an advanced degree, special nursing program, or upon special conditions established by the department. The deferral shall not exceed four years. The status of each deferral shall be reviewed annually by the department of health and senior services to ensure compliance with the intent of this section.]

[335.242. ACTION TO RECOVER LOANS DUE. — ~~When necessary to protect the interest of the state in any financial assistance transaction under sections 335.212 to 335.259, the department of health and senior services may institute any action to recover any amount due.]~~

[335.245. DEFINITIONS. — ~~As used in sections 335.245 to 335.259, the following terms mean:~~

- ~~(1) "Department", the Missouri department of health and senior services;~~
- ~~(2) "Eligible applicant", a Missouri licensed nurse who has attained either an associate degree, a diploma, a bachelor of science, or graduate degree in nursing from an accredited institution approved by the board of nursing or a student nurse in the final year of a full-time baccalaureate school of nursing leading to a baccalaureate degree or graduate nursing program leading to a master's degree in nursing and has agreed to serve in an area of defined need as established by the department;~~
- ~~(3) "Participating school", an institution within this state which grants an associate degree in nursing, grants a bachelor or master of science degree in nursing or provides a diploma nursing program which is accredited by the state board of nursing, or a regionally accredited institution in this state which provides a bachelor of science completion program for registered professional nurses;~~
- ~~(4) "Qualified employment", employment on a full-time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020 or public or nonprofit agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section.]~~

[335.248. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAM — RULES AND REGULATIONS. — ~~Sections 335.245 to 335.259 shall be known as the "Nursing Student Loan Repayment Program". The department of health and senior services shall be the administrative agency for the implementation of the authority established by sections 335.245 to 335.259. The department shall promulgate reasonable rules and regulations necessary to implement sections 335.245 to 335.259. Promulgated rules shall include, but not be limited to, applicant eligibility, selection criteria, prioritization of service obligation sites and the content of loan repayment contracts, including repayment schedules for those in default and penalties. The department shall promulgate rules regarding recruitment opportunities for minority students into nursing schools. Priority for student loan repayment shall be given to eligible applicants who have demonstrated financial need. All funds collected by the department from participants not meeting their contractual obligations to the state shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]~~

[335.251. LOAN REPAYMENT CONTRACT — QUALIFIED EMPLOYMENT — RECOVERY OF AMOUNTS DUE. — ~~Upon proper verification to the department by the eligible applicant of securing qualified employment in this state, the department shall enter into a loan repayment contract with the eligible applicant to repay the interest and principal on the educational loans of the applicant to the limit of the contract, which contract shall provide for instances of less than full-time qualified employment consistent with the provisions of section 335.233, out of any appropriation made to the professional and practical nursing student loan and nurse loan repayment fund. If the applicant breaches the contract by failing to begin or complete the qualified employment, the department is entitled to recover the total of the loan repayment paid by the department plus interest on the repaid amount at the rate of nine and one-half percent per annum.]~~

[335.254. LAW NOT TO REQUIRE CERTAIN CONTRACTS. — ~~Sections 335.212 to 335.259 shall not be construed to require the department to enter into contracts with individuals who qualify for~~

~~nursing education loans or nursing loan repayment programs when federal, state and local funds are not available for such purposes.]~~

~~[335.257. VERIFICATION OF QUALIFIED EMPLOYMENT. — Successful applicants for whom loan payments are made under the provisions of sections 335.245 to 335.259 shall verify to the department twice each year in the manner prescribed by the department that qualified employment in this state is being maintained.]~~

Approved July 6, 2023

SS SCS HCS HB 417

Enacts provisions relating to creating incentives for the purpose of encouraging certain individuals to obtain employment-related skills, and an emergency clause for a certain section.

AN ACT to repeal sections 160.2705, 160.2720, 160.2725, 173.280, 335.200, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 340.341, 340.345, 340.381, 340.384, and 340.387, RSMo, and to enact in lieu thereof sixteen new sections relating to creating incentives for the purpose of encouraging certain individuals to obtain employment-related skills, and an emergency clause for a certain section.

SECTION

- A Enacting clause.
- 105.1600 Baseline requirements for hiring — definitions — inapplicability, when — adverse action, appeal.
- 135.457 Tax credit, intern and apprentice recruitment — definitions — credit amount, criteria — requirements — annual report — rulemaking — sunset date.
- 160.2705 Adult high schools authorized, where — funding administration — operation by nonprofit organization, criteria — academic requirements, diplomas.
- 160.2720 Annual report, contents.
- 160.2725 Rulemaking authority.
- 173.280 Compensation of student athletes permitted, when — definitions — grant-in-aid or stipend eligibility not impacted, when — contracts for compensation prohibited, when — educational workshops, purpose — civil action, when — applicability.
- 191.592 Grant program established — definitions — purpose — fund created, use of moneys — priority of expenditures — criteria, requirements — report — rulemaking authority — expiration date.
- 335.200 Nurse education incentive grants — definitions.
- 335.203 Nursing education incentive program established — grants authorized, eligibility — administration — rulemaking authority.
- 335.205 Licensure, surcharge, amount.
- 340.341 Eligibility standards for loan repayment program — rulemaking authority.
- 340.345 Loan repayment to include principal, interest and related expenses — annual limit.
- 340.381 Program and fund created, use of moneys.
- 340.384 Application procedure — amount of award — number of applicants to be awarded.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- 340.387 Contracts for assistance — repayment — forgiveness of loan, when.
- 620.2500 Employer reimbursement for employee upskill credentials — definitions — fund created — application criteria — requirements — rulemaking — sunset date.
- 335.212 Definitions.
- 335.215 Department of health and senior services to administer programs — advisory panel — members — rules, procedure.
- 335.218 Nurse loan repayment fund established — administration.
- 335.221 Education surcharge, amount, deposit in nursing student loan and nurse loan repayment fund.
- 335.224 Contracts for repayment of loans.
- 335.227 Eligibility for loan.
- 335.230 Financial assistance, amount.
- 335.233 Schedule for repayment of loan — interest, amount.
- 335.236 Repayment of loan — when.
- 335.239 Deferral of repayment of loans — when.
- 335.242 Action to recover loans due.
- 335.245 Definitions.
- 335.248 Department of health and senior services to administer program — rules and regulations.
- 335.251 Loan repayment contract — qualified employment — recovery of amounts due.
- 335.254 Law not to require certain contracts.
- 335.257 Verification of qualified employment.
- B Emergency clause for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. — ENACTING CLAUSE. — Sections 160.2705, 160.2720, 160.2725, 173.280, 335.200, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 340.341, 340.345, 340.381, 340.384, and 340.387, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 105.1600, 135.457, 160.2705, 160.2720, 160.2725, 173.280, 191.592, 335.200, 335.203, 335.205, 340.341, 340.345, 340.381, 340.384, 340.387, and 620.2500, to read as follows:

105.1600. BASELINE REQUIREMENTS FOR HIRING — DEFINITIONS — INAPPLICABILITY, WHEN — ADVERSE ACTION, APPEAL. — 1. For the purposes of this section, the following terms mean:

- (1) "Applicant", any individual seeking gainful employment from a state agency;
- (2) "Baseline requirement", the minimum skills, prior training, or prior experience required to satisfactorily perform the primary duties of a position;
- (3) "Direct experience", any verifiable, previous work experience during which:
 - (a) The applicant's primary duties were consistent with the position currently sought; or
 - (b) The skills required to meet those primary duties are transferable to the position currently sought;
- (4) "Hiring consideration", any and all of the following:
 - (a) A decision to move an applicant to a subsequent round in the hiring process;
 - (b) A decision to include the applicant on a list of applicants for consideration by another member of the employer's team;
 - (c) A decision to offer an applicant an interview;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- (d) An interview held in good faith between the employer and the applicant; and
- (e) A final offer of employment;
- (5) "Postsecondary degree", an associate's, bachelor's, or graduate degree from an institution of higher education;
- (6) "State agency", the same meaning as in section 36.020.
- 2. (1) For all hiring considerations, state agencies shall not deny consideration to an applicant solely on the basis of the applicant lacking a postsecondary degree.
- (2) For all hiring considerations, state agencies shall determine baseline requirements for applicants.
- (3) State agencies may include prior direct experience and particular certificates and courses as baseline requirements, but may not include a postsecondary degree as a baseline requirement.
- 3. This section shall not apply in the case of the following positions with a state agency:
 - (1) Those for which a clear demonstration is made that the duties of the position require a postsecondary degree. For such positions, the state agency shall dedicate a portion of the job posting to substantiating the necessity of a specific postsecondary degree, on the basis that:
 - (a) The postsecondary degree is the best measure to determine an applicant possesses specific skills; or
 - (b) The position requires advanced accreditation or licensure which is only available to holders of specific postsecondary degrees;
 - (2) Those for which a professional or occupational license is required pursuant to state law; and
 - (3) Any position as a director with a state agency.
- 4. Nothing in this section shall apply to appointments made or other positions hired by elected officials.
- 5. (1) This act shall be enforced by the department of labor and industrial relations. Applicants eliminated from hiring consideration solely because the applicant lacks a postsecondary degree may appeal this decision to the labor and industrial relations commission.
- (2) Any person may report open positions with state agencies that require a postsecondary degree and fail to include an explanation as required pursuant to this section.
- (3) If an appeal or report is substantiated, the labor and industrial relations commission shall require the state agency to reopen the hiring process, require the state agency to modify the job posting, and take other action as necessary to comply with this section.

135.457. TAX CREDIT, INTERN AND APPRENTICE RECRUITMENT — DEFINITIONS — CREDIT AMOUNT, CRITERIA — REQUIREMENTS — ANNUAL REPORT — RULEMAKING — SUNSET DATE. — 1. This section shall be known and may be cited as the "Intern and Apprentice Recruitment Act".

2. As used in this section, the following terms mean:

- (1) "Apprentice", an individual registered and participating in a qualified apprenticeship program in Missouri who has completed at least one year in such qualified apprenticeship program;
- (2) "Intern", a student who is enrolled at an approved private or public institution, as defined in section 173.1102, and who has completed a minimum of thirty credit hours;
- (3) "Qualified apprenticeship program", an approved apprenticeship program, as defined under 29 CFR Part 29 and 29 U.S.C. Section 50, certified by the United States Department of Labor, in partnership with the Missouri department of higher education and workforce development, and conducted in Missouri;
- (4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;

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Matter in bold-face type is proposed language.

(5) "Taxpayer", any individual, firm, partner in a firm, corporation, partnership, shareholder in an S corporation, or member of a limited liability company subject to the state income tax imposed under chapter 143, 147, 148, or 153, excluding the withholding tax imposed under sections 143.191 to 143.265 and that engages in business in the apprentice's or intern's chosen field of study.

3. For all tax years beginning on or after January 1, 2024, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to one thousand five hundred dollars for each intern or apprentice hired at a pay rate equal to or greater than minimum wage, provided that the following criteria are met:

(1) The total number of interns or apprentices employed for the tax year that the credit is claimed exceeds the average number of interns or apprentices employed by the taxpayer over the previous three years;

(2) Interns shall work a minimum of sixty hours per month for two consecutive months during the tax year for which the credit is claimed and a copy of each intern's official transcript is submitted with the claim for such tax credit; and

(3) Apprentices shall comply with all federal requirements of a qualified apprenticeship including completing a minimum of two thousand hours of on-the-job training and one hundred forty four hours of required technical instruction in a calendar year and a copy of the qualified apprenticeship program certification is submitted with the claim for such tax credit.

4. The total amount of tax credits claimed by a taxpayer under this section shall not exceed nine thousand dollars in any given tax year.

5. Notwithstanding any provision of section 32.057 or any other confidentiality provision of state tax law to the contrary, the department of revenue may reveal the names and other necessary information of all prior employers who have claimed an individual as an intern or apprentice under this section, including the tax years in which such individual was claimed as a qualified apprentice. The cumulative amount of tax credits allowed to all taxpayers under this section shall not exceed one million dollars per tax year. If the amount of tax credits claimed in a tax year under this section exceeds one million dollars, priority shall be given to taxpayers that have been in business for less than five years, with the remaining tax credits to be distributed based on the order in which they are claimed.

6. Tax credits issued under the provisions of this section shall not be refundable. No tax credit claimed under this section shall be carried forward to any subsequent tax year.

7. No tax credit claimed under this section shall be assigned, transferred, sold, or otherwise conveyed.

8. The application for the tax credits under this section shall be made to the department of economic development and shall include information on participation in the qualified apprenticeship program or a copy of the official transcript for the intern being claimed, if applicable, and any other such information that the department deems necessary. The department of economic development shall prescribe the method for claiming the tax credits allowed in this section and shall certify to the department of revenue each applicant that qualifies for a tax credit under this section.

9. The department of economic development shall prepare an annual report containing statistical information regarding the tax credits issued under this section for the previous tax year, including the total amount of tax credits claimed in the tax year, the average number of tax credits claimed per taxpayer, the total number of interns claimed, the total number of apprentices claimed, and the total amount expended on the program.

10. The department of economic development shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall

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become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset December thirty-first six years after the effective date of this section unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset December thirty-first twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

160.2705. ADULT HIGH SCHOOLS AUTHORIZED, WHERE — FUNDING ADMINISTRATION — OPERATION BY NONPROFIT ORGANIZATION, CRITERIA — ACADEMIC REQUIREMENTS, DIPLOMAS. — 1. ~~[The department of elementary and secondary education shall authorize before January 1, 2018, a]~~ **The department of social services shall authorize** Missouri-based nonprofit ~~[organization]~~ **organizations** meeting the criteria ~~[under subsection 2]~~ of this section to establish and operate ~~[four]~~ **up to five** adult high schools, with:

(1) One adult high school to be located in a city not within a county;

(2) One adult high school to be located in a county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants or a county contiguous to that county;

(3) One adult high school to be located in a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants or a county contiguous to that county; ~~[and]~~

(4) One adult high school to be located in a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; **and**

(5) One adult high school to be located in a county with more than seven hundred thousand but fewer than eight hundred thousand inhabitants, or a contiguous county.

2. ~~[The department of elementary and secondary education shall grant the authorization described under subsection 1 of this section based on a bid process conducted in accordance with the rules and regulations governing purchasing through the office of administration. The successful bidder shall:]~~ **The department of social services shall administer funding to adult high schools subject to appropriations. The department shall be responsible for granting and maintaining authorization for adult high schools. For adult high schools in operation prior to January 1, 2023, the department shall maintain authorization for the nonprofit organization to operate the schools, subject to compliance with this section. No more than one organization shall be authorized to operate an adult high school at each location described in subsection 1 of this section. An organization may establish satellite campuses for any adult high school it is authorized to operate. The department shall administer funding for satellite campuses subject to appropriations.**

3. On or before January 1, 2024, the department of social services shall select an eligible Missouri-based nonprofit organization to operate in a location described in subdivision (5) of subsection 1 of this section. An eligible organization shall:

(1) Demonstrate the ability to establish, within twenty-one months of the receipt of the authorization, ~~[four]~~ **an** adult high ~~[schools]~~ **school** offering high school diplomas, an industry certification program or programs, and child care for children of the students attending the high schools;

(2) ~~[Commit at least two million dollars in investment for the purpose of establishing the necessary infrastructure to operate four adult high schools]~~ **Demonstrate the ability to commit at least five hundred thousand dollars for the purpose of establishing the necessary infrastructure at the adult high school;**

(3) Demonstrate substantial and positive experience in providing services, including industry certifications and job placement services, to adults twenty-one years of age or older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances;

(4) Establish a partnership with a state-supported postsecondary education institution or more than one such partnership, if a partnership or partnerships are necessary in order to meet the requirements for an adult high school;

(5) Establish a comprehensive plan that sets forth how the adult high schools will help address the need for a sufficiently trained workforce in the surrounding region for each adult high school;

(6) Establish partnerships and strategies for engaging the community and business leaders in carrying out the goals of each adult high school;

(7) Establish the ability to meet quality standards through certified teachers and programs that support each student in such student's goal to find a more rewarding job;

(8) Establish a plan for assisting students in overcoming barriers to educational success including, but not limited to, educational disadvantages, homelessness, criminal history, disability, including learning disability such as dyslexia, and similar circumstances;

(9) Establish a process for determining outcomes of the adult high school, including outcomes related to a student's ability to find a more rewarding job through the attainment of a high school diploma and job training and certification; and

(10) ~~[Bids shall not include an]~~ **Limit the administrative fee ~~[greater than]~~ to no more than** ten percent.

~~[3.]~~ **4.** (1) The department of elementary and secondary education shall establish academic requirements for students to obtain high school diplomas.

(2) Requirements for a high school diploma shall be based on an adult student's prior high school achievement and the remaining credits and coursework that would be necessary for the student to receive a high school diploma if such student were in a traditional high school setting. The adult student shall meet the requirements with the same level of academic rigor as would otherwise be necessary to attain such credits.

(3) The adult high school authorized under this section shall award high school diplomas to students who successfully meet the established academic requirements. The adult high school authorized under this section shall confer the diploma as though the student earned the diploma at a traditional high school. The diploma shall have no differentiating marks, titles, or other symbols.

(4) Students at adult high schools may complete required coursework at their own pace and as available through the adult high school. They shall not be required to satisfy any specific number of class minutes. The adult high school may also make classes available to students online as may be appropriate. However, students shall not complete the majority of instruction of the school's curriculum online or through remote instruction. For the purposes of this subsection, synchronous instruction connecting students to a live class conducted in a Missouri adult high school shall be treated the same as in-person instruction.

(5) The department of elementary and secondary education shall not create additional regulations or burdens on the adult high school or the students attending the adult high schools beyond certifying

necessary credits and ensuring that students have sufficiently mastered the subject matter to make them eligible for credit.

[4-] 5. An adult high school shall be deemed a secondary school system for the purposes of subdivision (15) of subsection 1 of section 210.211.

160.2720. ANNUAL REPORT, CONTENTS. — The nonprofit organization who receives the authorization described under section 160.2705 shall submit to the department of elementary and secondary education, **the department of social services**, the joint committee on education, and the offices of the governor, speaker of the house of representatives, and president pro tempore of the senate an annual report concerning evaluations of the adult high schools, including the impact the adult high schools have had in meeting industry needs in the state before December first of each year.

160.2725. RULEMAKING AUTHORITY. — The department of ~~elementary and secondary education~~ **social services** may promulgate rules to implement the provisions of sections 160.2700 to 160.2720. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

173.280. COMPENSATION OF STUDENT ATHLETES PERMITTED, WHEN — DEFINITIONS — GRANT-IN-AID OR STIPEND ELIGIBILITY NOT IMPACTED, WHEN — CONTRACTS FOR COMPENSATION PROHIBITED, WHEN — EDUCATIONAL WORKSHOPS, PURPOSE — CIVIL ACTION, WHEN — APPLICABILITY. — 1. As used in this section, the following terms mean:

(1) **"Institutional marketing associate", any third party entity that enters into an agreement with a postsecondary educational institution or its intercollegiate athletics or sports program to market and/or promote the postsecondary educational institution or its intercollegiate athletics or sports program, or to otherwise act on behalf of the postsecondary educational institution or the postsecondary educational institution's intercollegiate athletics or sports program. This term does not include a regulatory body, postsecondary educational institution, postsecondary educational institution staff member, or their respective officers, directors, managers, owners, or employees;**

(2) "Postsecondary educational institution", any campus of a public or private institution of higher education in this state that is subject to the coordinating board for higher education under section 173.005;

[2-] (3) "Student athlete", an individual who **is eligible to participate in**, participates **in**, or has participated in an intercollegiate sport for a postsecondary educational institution. Student athlete shall not be construed to apply to an individual's participation in a college intramural sport or in a professional sport outside of intercollegiate athletics;

[3-] (4) "Third party", any individual or entity, including any athlete agent, other than a postsecondary educational institution, athletic conference, or athletic association.

2. (1) No postsecondary educational institution shall uphold any rule, requirement, standard, or other limitation **of an athletic association or athletic conference** that prevents a student of that institution from fully participating in intercollegiate athletics without penalty and earning compensation as a result of the use of the student's name, image, likeness rights, or athletic reputation. A student athlete earning compensation from the use of a student's name, image, likeness rights, or athletic

reputation shall not affect such student athlete's grant-in-aid or stipend eligibility, amount, duration, or renewal.

(2) No postsecondary educational institution shall interfere with or prevent a student from fully participating in intercollegiate athletics or obtaining professional representation in relation to contracts or legal matters **relating to earning compensation as a result of the use of the student athlete's name, image, likeness rights, or athletic reputation**, including, but not limited to, representation provided by athlete agents, financial advisors, or legal representation provided by attorneys.

3. A grant-in-aid or stipend from the postsecondary educational institution in which a student is enrolled shall not be construed to be compensation for use of the student's name, image, likeness rights, or athletic reputation for purposes of this section, and no grant-in-aid or stipend shall be revoked or reduced as a result of a student earning compensation under this section.

4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation if the contract requires the athlete to display a sponsor's apparel, equipment, or beverage or otherwise advertise for the sponsor during official team activities if such provisions are in conflict with a provision of the postsecondary **educational** institution's current licenses or contracts.

(2) (a) Except with the prior written consent of the student athlete's postsecondary educational institution, a student athlete shall not enter into a contract for compensation for the use of such student athlete's name, image, likeness rights, or athletic reputation, if such institution determines that a term of the contract conflicts with a term of a contract to which such institution is a party.

(b) A postsecondary educational institution or any officer, director, or employee of such institution, including but not limited to a coach, member of the coaching staff, or any individual associated with the ~~[institutions]~~ **institution's** athletic department, ~~[may identify]~~ **shall have the right to identify, create, facilitate, negotiate, support, enable**, or otherwise assist with opportunities for a student athlete to earn compensation from a third party, **including an institutional marketing associate**, for the use of the student athlete's name, image, likeness rights, or athletic reputation, provided that such individual shall not:

a. ~~[Serve as the athlete's agent;~~

b.] Receive compensation from the student athlete or a third party for facilitating ~~[or]~~, enabling, **or assisting with** such opportunities;

~~[c.]~~ b. Attempt to influence an athlete's choice of professional representation related to such opportunities; **or**

~~[d.]~~ c. Attempt to reduce such athlete's opportunities from competing third parties~~]; or~~

~~e. Be present at any meeting between a student athlete and a third party who provides for a student athlete's compensation, where the student athlete's name, image, likeness rights, or athletic reputation contract for compensation is negotiated or completed].~~

(c) **The provisions of this section shall not be construed to qualify a student athlete as an employee of a postsecondary educational institution.**

(3) Before any contract for compensation for the use of a student athlete's name, image, likeness rights, or athletic reputation, **or for professional representation**, is executed, and before any compensation is provided to the student athlete in advance of a contract, the student athlete shall disclose that contract to his or her postsecondary educational institution in a manner prescribed by such institution.

(4) A postsecondary educational institution or any officer, director, or employee of such institution ~~[or entity]~~ shall not compensate a student athlete, prospective student athlete, or the family of such individuals, ~~[or cause compensation to be directed to a prospective student athlete, or the family of a student athlete or the family of a prospective student athlete,]~~ for the use of such student athlete or prospective student athlete's name, image, likeness rights, or athletic reputation, **unless otherwise**

permitted by institutional policy and a collegiate athletics association that the postsecondary educational institution is a member of.

(5) (a) As used in this subdivision, "unique identifier" means any of the following developed or adopted for marketing or promotional purposes by a postsecondary educational institution or a third party:

- a. Seal;
- b. Logo;
- c. Emblem;
- d. Motto;
- e. Special symbol;
- f. Institutional colors;
- g. Modifier or descriptor;
- h. Design;
- i. Patentable or copyrightable item, material, or information; or
- j. Other item, material, or information that identifies and is recognizable as unique to such postsecondary educational institution or third party.

(b) A postsecondary educational institution or a third party shall develop and adopt a process for granting to a student athlete, or to a third party for use with a student athlete, a license to use such institution's or third party's unique identifiers when earning or attempting to earn compensation from the use of such student athlete's name, image, likeness rights, or athletic reputation consistent with its policies regarding licensing of its unique identifiers.

(c) A postsecondary educational institution or a third party may charge a reasonable fee for a license to use a unique identifier under this subdivision.

(d) A postsecondary educational institution, or a third party, may impose requirements that a student athlete granted a license under this subdivision refrain from using such unique identifier in a manner that the institution in its sole discretion determines:

- a. Is reasonably considered to be inconsistent with such institution's or third party's values or mission;
- b. Adversely affects such institution's or third party's image;
- c. Negatively impacts or inappropriately reflects upon the reputation or religious, moral, or ethical standards of such institution or third party;
- d. Violates such institution's or third party's code of conduct or similar requirements; or
- e. Conflicts with a provision of such institution's or third party's current licenses or contracts.

5. No contract of a postsecondary educational institution's athletic program shall prevent a student athlete from receiving compensation for using the student athlete's name, image, likeness rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official mandatory team activities that are recorded in writing and can be made publicly available upon request.

6. (1) If a private postsecondary educational institution collects, retains, or maintains the terms of a student athlete's contract or proposed contract detailing compensation to such student athlete for the use of such student athlete's name, image, likeness, or athletic reputation, such postsecondary educational institution shall consider such contract terms to be student governed by the Family Education Rights and Privacy Act (FERPA).

(2) The terms of a contract or proposed contract detailing compensation to a student athlete for the use of such student athlete's name, image, likeness, or athletic reputation shall be deemed a closed record under chapter 610. A public postsecondary educational institution subject to this subsection may withhold or refuse to release or otherwise disclose such contract terms without seeking a formal opinion of the attorney general of this state as authorized in section 610.027.

7. (1) No compensation to a student athlete for earning or attempting to earn compensation from the use of such student athlete's name, image, likeness rights, or athletic reputation shall be

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

conditioned on such student athlete's athletic performance. Those providing compensation to a student athlete for the use of his or her name, image, likeness rights, or athletic reputation shall have the right to condition payment of that compensation on a student athlete's attendance at a particular postsecondary educational institution.

(2) A charitable organization that qualifies as an exempt organization under 26 U.S.C. Section 501(c)(3), as amended, shall have the right to compensate a student athlete for the commercial use of the student athlete's name, image, likeness rights, or athletic reputation.

(3) Notwithstanding any rule of an athletic association, athletic conference, or any other organization with authority over varsity intercollegiate athletics, institutional marketing associates shall have the right to compensate a student athlete for the commercial use of the student athlete's name, image, likeness rights, or athletic reputation. This includes the right to compensate a student athlete for the commercial use of the student athlete's name, image, or likeness rights in connection with the promotion of athletic events in which the student athlete will or may participate, the promotion of the postsecondary educational institution the student athlete attends, and the promotion of the postsecondary educational institution's intercollegiate athletics or sports program. Further, an institutional marketing associate shall, in the event that a postsecondary educational institution or its intercollegiate athletics program affirmatively grants a request, have the right to utilize a postsecondary educational institution's, or the postsecondary educational institution's intercollegiate athletics program's, content creation and marketing capabilities in connection with services provided for the promotion of athletic events in which a student athlete will or may participate, the postsecondary educational institution, or the institution's intercollegiate athletics or sports program.

(4) Notwithstanding any rule of an athletic association, athletic conference, or any other organization with authority over varsity intercollegiate athletics, student athletes shall have the right to receive compensation from an institutional marketing associate for the commercial use of their name, image, likeness rights, or athletic reputation, in connection with, among other items, the promotion of athletic events in which the student athlete will or may participate, the promotion of the postsecondary educational institution the student athlete attends, and the promotion of the postsecondary educational institution's intercollegiate athletics or sports program.

~~[6.]~~ **8.** (1) Postsecondary educational institutions that enter into commercial agreements that directly or indirectly require the use of a student athlete's name, image, likeness, or athletic reputation shall ~~[conduct a]~~ **offer at least two workshops per calendar year that may include topics such as financial [development program once per year for their athletes] literacy, life skills, time management, and entrepreneurship.** The workshops may not be offered in the same month and each workshop offered in a calendar year must be unique and not simply a repeat of the other workshop offered that year. The institution shall notify all student athletes of the sessions through the distribution of informational materials via email or other communication methods the institution regularly uses to communicate with student athletes.

(2) ~~[The financial development program]~~ **The educational workshops** shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services. ~~[Such program shall, at a minimum, include information concerning financial aid, debt management, and a recommended budget for student athletes based on the current year's cost of attendance. The workshop shall also include information on time management skills necessary for success as a student athlete and available academic resources.]~~

~~[(3) Postsecondary educational institutions shall help distribute informational materials for such programs as needed.]~~

~~[(4) Postsecondary educational institutions shall inform their athletes of such program meetings and provide appropriate meeting space.]~~

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

~~7. Student athlete representation shall be by attorneys or agents licensed by this state.~~

9. An athletic association, athletic conference, or any other organization with authority over varsity intercollegiate athletics shall not, and shall not authorize its member institutions to:

(1) Prevent a student athlete from receiving compensation for the commercial use of the student athlete's name, image, likeness rights, or athletic reputation under this section;

(2) Penalize a student athlete for receiving compensation for the commercial use of the student athlete's name, image, likeness rights, or athletic reputation under this section;

(3) Prevent a postsecondary educational institution from participating in varsity intercollegiate athletics or otherwise penalize a postsecondary educational institution as a result of a student athlete's receipt of compensation for the student athlete's name, image, likeness rights, or athletic reputation under this section;

(4) Prevent a postsecondary educational institution from establishing agreements with a third party entity to act on its behalf to identify, facilitate, enable, or support student athlete name, image, and likeness activities;

(5) Entertain a complaint, open an investigation, or take any other adverse action against a postsecondary educational institution or any of its employees for engaging in any activity protected under this section;

(6) Penalize a postsecondary educational institution because an institutional marketing associate compensates a student athlete for use of his or her name, image, likeness rights, or athletic reputation, as protected under this section, or if a third party violates the collegiate athletic association's rules or regulations with regard to student athlete name, image, or likeness activities.

10. A student athlete shall have the right to obtain professional representation for the purpose of securing compensation for the use of his or her name, image, or likeness without penalty or resulting limitation on participating or effect on the student athlete's athletic grant-in-aid eligibility. Professional representation shall be by attorneys or agents licensed by this state. Any professional representation agreement shall be in writing, be executed by both parties, clearly describe the obligations of the parties, and outline fees for the professional representation.

~~[8-]~~ 11. (1) Any student athlete may bring a civil action against third parties that violate this section or that interfere with such student athlete's earning or attempting to earn compensation from the use of such student athlete's name, image, likeness rights, or athletic reputation for appropriate injunctive relief or actual damages, or both. Such action shall be brought in the county where the violation occurred, or is about to occur, and the court shall award damages and court costs to a prevailing plaintiff.

(2) Student athletes bringing an action under this section shall not be deprived of any protections provided under law with respect to a controversy that arises and shall have the right to adjudicate claims that arise under this section.

~~[9-]~~ 12. No legal settlement shall conflict with the provisions of this section.

~~[10-]~~ 13. This section shall apply only to agreements or contracts entered into, modified, or renewed on or after August 28, 2021. Such agreements or contracts include, but are not limited to, the national letter of intent, an athlete's financial aid agreement, commercial contracts in the athlete group licensing market, and athletic conference or athletic association rules or bylaws.

14. No postsecondary educational institution's employees, including athletics coaching staff, shall be liable for any damages to a student athlete's ability to earn compensation for the use of the student athlete's name, image, or likeness resulting from decisions or actions routinely taken in the course of intercollegiate athletics.

15. This section does not affect the rights of student athletes under Title IX of the Education Amendments of 1971 (20 U.S.C. Section 1681 et seq.).

16. (1) A high school athlete who competes on an interscholastic athletic team in this state that is sponsored by a public school or by a private school whose students compete against a public school's students may earn or attempt to earn compensation from the use of such athlete's name, image, likeness rights, or athletic reputation as provided in this section, subject to the following:

(a) A high school athlete shall have the right to discuss earning or attempting to earn such compensation before signing an athletic letter of intent or other written agreement only when having discussions about potential enrollment with a postsecondary educational institution in this state; and

(b) A high school athlete shall have the right to earn or attempt to earn such compensation only after signing an athletic letter of intent or other written agreement to enroll in a postsecondary educational institution in this state.

(2) The discussion of, or earning or attempting to earn, compensation from the use of such high school athlete's name, image, likeness rights, or athletic reputation as provided in this section shall not be construed to be a violation of any rules and regulations a high school student and high schools are required to follow to maintain and protect a high school athlete's high school eligibility to participate in high school athletics in this state.

191.592. GRANT PROGRAM ESTABLISHED — DEFINITIONS — PURPOSE — FUND CREATED, USE OF MONEYS — PRIORITY OF EXPENDITURES — CRITERIA, REQUIREMENTS — REPORT — RULEMAKING AUTHORITY — EXPIRATION DATE. — 1. For purposes of this section, the following terms mean:

(1) "Department", the department of health and senior services;

(2) "Eligible entity", an entity that operates a physician medical residency program in this state and that is accredited by the Accreditation Council for Graduate Medical Education;

(3) "General primary care and psychiatry", family medicine, general internal medicine, general pediatrics, internal medicine-pediatrics, general obstetrics and gynecology, or general psychiatry;

(4) "Grant-funded residency position", a position that is accredited by the Accreditation Council for Graduate Medical Education, that is established as a result of funding awarded to an eligible entity for the purpose of establishing an additional medical resident position beyond the currently existing medical resident positions, and that is within the fields of general primary care and psychiatry. Such position shall end when the medical residency funding under this section is completed or when the resident in the medical grant-funded residency position is no longer employed by the eligible entity, whichever is earlier;

(5) "Participating medical resident", an individual who is a medical school graduate with a doctor of medicine degree or doctor of osteopathic medicine degree, who is participating in a postgraduate training program at an eligible entity, and who is filling a grant-funded residency position.

2. (1) Subject to appropriation, the department shall establish a medical residency grant program to award grants to eligible entities for the purpose of establishing and funding new general primary care and psychiatry medical residency positions in this state and continuing the funding of such new residency positions for the duration of the funded residency.

(2) (a) Funding shall be available for three years for residency positions in family medicine, general internal medicine, and general pediatrics.

(b) Funding shall be available for four years for residency positions in general obstetrics and gynecology, internal medicine-pediatrics, and general psychiatry.

3. (1) There is hereby created in the state treasury the "Medical Residency Grant Program Fund". Moneys in the fund shall be used to implement and fund grants to eligible entities.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(2) The medical residency grant program fund shall include funds appropriated by the general assembly, reimbursements from awarded eligible entities who were not able to fill the residency position or positions with an individual medical resident or residents, and any gifts, contributions, grants, or bequests received from federal, private, or other sources.

(3) The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely as provided in this section.

(4) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(5) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Subject to appropriation, the department shall expend moneys in the medical residency grant program fund in the following order:

(1) Necessary costs of the department to implement this section;

(2) Funding of grant-funded residency positions of individuals in the fourth year of their residency, as applicable to residents in general obstetrics and gynecology, internal medicine-pediatrics, and general psychiatry;

(3) Funding of grant-funded residency positions of individuals in the third year of their residency;

(4) Funding of grant-funded residency positions of individuals in the second year of their residency;

(5) Funding of grant-funded residency positions of individuals in the first year of their residency; and

(6) The establishment of new grant-funded residency positions at awarded eligible entities.

5. The department shall establish criteria to evaluate which eligible entities shall be awarded grants for new grant-funded residency positions, criteria for determining the amount and duration of grants, the contents of the grant application, procedures and timelines by which eligible entities may apply for grants, and all other rules needed to implement the purposes of this section. Such criteria shall include a preference for eligible entities located in areas of highest need for general primary care and psychiatric care physicians, as determined by the health professional shortage area score.

6. Eligible entities that receive grants under this section shall:

(1) Agree to supplement awarded funds under this section, if necessary, to establish or maintain a grant-funded residency position for the duration of the funded resident's medical residency; and

(2) Agree to abide by other requirements imposed by rule.

7. Annual funding per participating medical resident shall be limited to:

(1) Direct graduate medical education costs including, but not limited to:

(a) Salaries and benefits for residents, faculty, and program staff;

(b) Malpractice insurance, licenses, and other required fees; and

(c) Program administration and educational materials; and

(2) Indirect costs of graduate medical education necessary to meet the standards of the Accreditation Council for Graduate Medical Education.

8. No new grant-funded residency positions under this section shall be established after the tenth fiscal year in which grants are awarded. However, any residency positions funded under this section may continue to be funded until the completion of the resident's medical residency.

9. The department shall submit an annual report to the general assembly regarding the implementation of the program developed under this section.

10. The department may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

11. The provisions of this section shall expire on January 1, 2038.

335.200. NURSE EDUCATION INCENTIVE GRANTS — DEFINITIONS. — As used in sections 335.200 to 335.203, the following terms mean:

- (1) "Board", the state board of nursing;
- (2) "Department", the Missouri department of higher education and workforce development;
- (3) "Eligible institution of higher education", a Missouri institution of higher education accredited by the higher learning commission of the north central association which offers a nursing education program **or an approved virtual institution, as defined in section 173.1102, that offers a nursing education program;**
- (4) "Grant", a grant awarded to an eligible institution of higher education under the guidelines set forth in sections 335.200 to 335.203.

335.203. NURSING EDUCATION INCENTIVE PROGRAM ESTABLISHED — GRANTS AUTHORIZED, ELIGIBILITY — ADMINISTRATION — RULEMAKING AUTHORITY. — 1. There is hereby established the "Nursing Education Incentive Program" within the state board of nursing.

2. Subject to appropriation and board disbursement, grants shall be awarded through the nursing education incentive program to eligible institutions of higher education based on criteria jointly determined by the board and the department of higher education and workforce development. ~~[Grant award amounts shall not exceed one hundred fifty thousand dollars.]~~ No campus shall receive more than one grant per year.

3. To be considered for a grant, an eligible institution of higher education shall offer a program of nursing that meets the predetermined category and area of need as established by the board and the department under subsection 4 of this section.

4. The board and the department shall determine categories and areas of need for designating grants to eligible institutions of higher education. In establishing categories and areas of need, the board and department may consider criteria including, but not limited to:

- (1) Data generated from licensure renewal data and the department of health and senior services; and
- (2) National nursing statistical data and trends that have identified nursing shortages.

5. The board shall be the administrative agency responsible for implementation of the program established under sections 335.200 to 335.203, and shall promulgate reasonable rules for the exercise of its functions and the effectuation of the purposes of sections 335.200 to 335.203. The board shall, by rule, prescribe the form, time, and method of filing applications and shall supervise the processing of such applications.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held

unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

335.205. LICENSURE, SURCHARGE, AMOUNT. — The board, in addition to any other duties it may have regarding licensure of nurses, shall collect, at the time of any initial license application or license renewal application, a nursing education incentive program surcharge from each person licensed or relicensed under chapter 335, in the amount of one dollar per year for practical nurses and five dollars per year for registered professional nurses. These funds shall be deposited in the state board of nursing fund described in section 335.036.

340.341. ELIGIBILITY STANDARDS FOR LOAN REPAYMENT PROGRAM — RULEMAKING AUTHORITY. — 1. The department shall adopt and promulgate rules establishing standards for determining eligible students for loan repayment pursuant to sections 340.335 to 340.350. Such standards shall include, but are not limited to the following:

- (1) Citizenship or lawful permanent residency in the United States;
 - (2) Residence in the state of Missouri;
 - (3) Enrollment as a full-time veterinary medical student in the final year of a course of study offered by an approved educational institution in Missouri;
 - (4) Application for loan repayment.
2. The department shall not grant repayment for more than ~~six~~ **twelve** veterinarians each year.

340.345. LOAN REPAYMENT TO INCLUDE PRINCIPAL, INTEREST AND RELATED EXPENSES — ANNUAL LIMIT. — 1. A loan payment provided for an individual pursuant to a written contract under the large animal veterinary medicine loan repayment program shall consist of payment on behalf of the individual of the principal, interest and related expenses on government and commercial loans received by the individual for tuition, fees, books, laboratory and living expenses incurred by the individual.

2. For each year of obligated services that an individual contracts to serve in an area of defined need, the department may pay up to ~~twenty~~ **thirty** thousand dollars on behalf of the individual for loans described in subsection 1 of this section.

3. The department may enter into an agreement with the holder of the loans for which repayments are made under the large animal veterinary medicine loan repayment program to establish a schedule for the making of such payments if the establishment of such a schedule would result in reducing the costs to the state.

4. Any qualifying communities providing a portion of a loan repayment shall be considered first for placement.

340.381. PROGRAM AND FUND CREATED, USE OF MONEYS. — 1. Sections 340.381 to 340.396 establish a student loan forgiveness program for approved veterinary students who practice in areas of defined need. Such program shall be known as the "Dr. Merrill Townley **and Dr. Dan Brown** Large Animal Veterinary Student Loan Program".

2. There is hereby created in the state treasury the "Veterinary Student Loan Payment Fund", which shall consist of general revenue appropriated to the large animal veterinary student loan program, voluntary contributions to support or match program activities, money collected under section 340.396, **any private grant, gift, donation, devise, or bequest of moneys, funds, real or personal property, or other assets**, and funds received from the federal government. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of sections 340.381 to 340.396. Notwithstanding the provisions of section 33.080 to the contrary, any moneys

remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

340.384. APPLICATION PROCEDURE — AMOUNT OF AWARD — NUMBER OF APPLICANTS TO BE AWARDED. — 1. Eligible students may apply to the department for financial assistance under the provisions of sections 340.381 to 340.396. If, at the time of application for a loan, a student has formally applied for acceptance at the college, receipt of financial assistance is contingent upon acceptance and continued enrollment at the college. A qualified applicant may receive financial assistance up to ~~twenty~~ **thirty** thousand dollars for each academic year he or she remains a student in good standing at the college, provided that the cumulative total shall not exceed ~~eighty~~ **one hundred twenty** thousand dollars per qualified applicant. An eligible student may apply for financial assistance under this section at any point in his or her educational career at the college, however any such financial assistance shall only be awarded for current or future academic years, as applicable, and shall not be awarded for any academic year completed prior to the time of application.

2. Up to ~~six~~ **twelve** qualified applicants per academic year may be awarded loans under the provisions of sections 340.381 to 340.396. **The department may increase beyond twelve the number of qualified applicants that may be awarded such loans per academic year if the amount of any additional moneys from private grants, gifts, donations, devises, or bequests of moneys, funds, real or personal property, or other assets deposited in the veterinary student loan payment fund allows the full funding of such increase in the number of applicants.** Priority for loans shall be given to eligible students who have established financial need. All financial assistance shall be made from funds credited to the veterinary student loan payment fund.

340.387. CONTRACTS FOR ASSISTANCE — REPAYMENT — FORGIVENESS OF LOAN, WHEN. — 1. The department of agriculture may enter into a contract with each qualified applicant receiving financial assistance under the provisions of sections 340.381 to 340.396. Such contract shall specify terms and conditions of loan forgiveness through qualified employment as well as terms and conditions for repayment of the principal and interest.

2. The department shall establish schedules for repayment of the principal and interest on any financial assistance made under the provisions of sections 340.381 to 340.396. Interest at a rate set by the department, with the advice of the advisory panel created in section ~~340.341~~ **340.375**, shall be charged from the time of the payment of financial assistance on all financial assistance made under the provisions of sections 340.381 to 340.396, but the interest and principal of the total financial assistance granted to a qualified applicant at the time of the successful completion of a doctor of veterinary medicine degree program shall be forgiven through qualified employment.

3. For each year of qualified employment that an individual contracts to serve in an area of defined need, the department shall forgive up to ~~twenty~~ **thirty** thousand dollars and accrued interest thereon on behalf of the individual for financial assistance provided under sections 340.381 to 340.396.

620.2500. EMPLOYER REIMBURSEMENT FOR EMPLOYEE UPSKILL CREDENTIALS — DEFINITIONS — FUND CREATED — APPLICATION CRITERIA — REQUIREMENTS — RULEMAKING — SUNSET DATE. — 1. For purposes of this section, the following terms mean:

(1) "Employee", any person employed by a qualifying employer or any person who is a prospective employee of a qualifying employer, provided such person is not an independent contractor;

(2) "Health care-focused credential", a credential that demonstrates the competencies necessary to succeed in an occupation related to the delivery of health care services;

(3) "Public body", the state of Missouri, any department, division, commission, board, or political subdivision thereof including, but not limited to, institutions of postsecondary education that offer required courses and training necessary for an employee to obtain upskill credentials. The term "public body" shall be construed to exclude any:

- (a) Facility that meets the definition of hospital in section 197.020;
- (b) Long-term care facility licensed under chapter 198; or
- (c) Public hospital established and maintained under chapter 205;
- (4) "Qualifying employer", any employer registered to do business in the state of Missouri, provided the employer is not a public body;
- (5) "Technology-focused credential", a credential that demonstrates the competencies necessary to succeed in an occupation that utilizes technology to develop, build, and deliver products and services;
- (6) "Training provider", any entity approved by the state that provides training in upskill credentials;
- (7) "Upskill credential", includes, but is not limited to:
 - (a) Health care-focused credentials;
 - (b) Technology-focused credentials; and
 - (c) Any other credential indicated by a qualifying employer as necessary for improving the skills of its current and prospective employees.

2. The department of economic development may distribute to any qualifying employer a reimbursement not to exceed two thousand dollars for each employee who obtains upskill credentials, provided that no qualifying employer shall receive more than thirty thousand dollars under this section in any fiscal year. A qualifying employer shall submit an application for an award for such reimbursement as provided in this section in order to receive such funds.

3. The department of economic development shall design an application form for qualifying employers to apply for an award for reimbursement. The application form shall contain all information that the department deems necessary to fulfill the provisions of this section.

4. (1) There is hereby created in the state treasury the "Upskill Credential Training Fund", which shall consist of moneys appropriated by the general assembly, which shall not exceed six million dollars per fiscal year. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely as provided in this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. (1) The department of economic development shall evaluate all applications submitted by qualifying employers on a competitive basis using the following criteria:

- (a) The pledged average wage increase that employees or prospective employees will realize after obtaining the upskill credential in relation to the cost of obtaining the upskill credential;
- (b) The level of economic distress in the qualifying employer's region and the balance of awards made to the various regions of the state; and
- (c) The contribution made by the qualifying employer toward the cost of obtaining the upskill credential.

(2) Applications shall be evaluated at the close of the application period, as determined by the department, and shall not be awarded on a first-come, first-served basis. The department may make preliminary awards for reimbursement only after the application period has closed.

(3) Except as provided in subdivision (4) of this subsection, in making awards under this section, the department shall reserve:

(a) Thirty-three and one-third percent of the moneys in the upskill credential training fund to be awarded exclusively to qualifying employers with at least one but not more than fifty employees; and

(b) Thirty-three and one-third percent of the moneys in the upskill credential training fund to be awarded exclusively to qualifying employers with at least fifty-one but not more than two hundred employees.

(4) Any moneys reserved under paragraph (a) or (b) of subdivision (3) of this subsection that are not issued or awarded by March first of the fiscal year shall no longer be reserved and may be issued to any qualifying employer eligible for an award under this section.

(5) Applications shall be considered during application periods as determined by the department.

6. (1) Upon being given a preliminary award for reimbursement under this section, each qualifying employer shall sponsor a current or prospective employee to obtain an upskill credential within twelve months of the preliminary award. A current or prospective employee shall not commence the process of obtaining the upskill credential until after a preliminary award has been made.

(2) Upon obtaining the upskill credential, the qualifying employer shall submit proof of the upskill credential to the department of economic development.

(3) To receive the reimbursement, the qualifying employer shall provide to the department proof that the individual who completed the upskill credential is a Missouri resident with a verifiable Missouri address. Such proof shall be submitted to the department in the manner requested by the department within six weeks of completing the upskill credential.

(4) If the department is satisfied that the current or prospective employee has obtained the upskill credential based upon evidence provided under subdivision (2) of this subsection and the provisions of subdivision (3) of this subsection have been satisfied, the department shall grant the qualifying employer the reimbursement indicated in the preliminary award.

7. Training providers shall not be eligible for awards issued under this section unless employees are trained by an outside training provider.

8. A qualifying employer shall not receive funds under this section for an employee's upskill credential if:

(1) The qualifying employer is receiving funds under the Missouri One Start Program under sections 620.800 to 620.809 for the same upskill credential; or

(2) The employee is receiving a Fast Track Workforce Incentive Grant under section 173.2553 for the same upskill credential.

9. The director of the department of economic development may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

10. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

[335.212. DEFINITIONS. — As used in sections 335.212 to 335.242, the following terms mean:

- (1) "Board", the Missouri state board of nursing;**
- (2) "Department", the Missouri department of health and senior services;**
- (3) "Director", director of the Missouri department of health and senior services;**
- (4) "Eligible student", a resident who has been accepted as a full time student in a formal course of instruction leading to an associate degree, a diploma, a bachelor of science, a master of science in nursing (M.S.N.), a doctorate in nursing (Ph.D. or D.N.P.), or a student with a master of science in nursing seeking a doctorate in education (Ed.D.), or leading to the completion of educational requirements for a licensed practical nurse. The doctoral applicant may be a part time student;**
- (5) "Participating school", an institution within this state which is approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242, having a nursing department and offering a course of instruction based on nursing theory and clinical nursing experience;**
- (6) "Qualified applicant", an eligible student approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242;**
- (7) "Qualified employment", employment on a full time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020 or in any agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full time basis may be prorated to reflect the amounts provided in this section;**
- (8) "Resident", any person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state.]**

[335.215. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAMS — ADVISORY PANEL — MEMBERS — RULES, PROCEDURE. — 1. The department of health and senior services shall be the administrative agency for the implementation of the professional and practical nursing student loan program established under sections 335.212 to 335.242, and the nursing student loan repayment program established under sections 335.245 to 335.259.

2. An advisory panel of nurses shall be appointed by the director. It shall be composed of not more than eleven members representing practical, associate degree, diploma, baccalaureate and graduate nursing education, community health, primary care, hospital, long term care, a consumer, and the Missouri state board of nursing. The panel shall make recommendations to the director on the content of any rules, regulations or guidelines prior to their promulgation. The panel may make recommendations to the director regarding fund allocations for loans and loan repayment based on current nursing shortage needs.

3. The department of health and senior services shall promulgate reasonable rules and regulations for the exercise of its function pursuant to sections 335.212 to 335.259. It shall prescribe the form, the time and method of filing applications and supervise the proceedings thereof. No rule or portion of a rule promulgated under the authority of sections 335.212 to 335.257 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. Ninety five percent of funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in professional nursing programs in participating schools and five

percent of the funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in practical nursing programs. Priority shall be given to eligible students who have established financial need. All loan repayment funds pursuant to sections 335.245 to 335.259 shall be used to reimburse successful associate, diploma, baccalaureate or graduate professional nurse applicants' educational loans who agree to serve in areas of defined need as determined by the department.]

[335.218. NURSE LOAN REPAYMENT FUND ESTABLISHED — ADMINISTRATION. — There is hereby established the "Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund". All fees pursuant to section 335.221, general revenue appropriations to the student loan or loan repayment program, voluntary contributions to support or match the student loan and loan repayment program activities, funds collected from repayment and penalties, and funds received from the federal government shall be deposited in the state treasury and be placed to the credit of the professional and practical nursing student loan and nurse loan repayment fund. The fund shall be managed by the department of health and senior services and all administrative costs and expenses incurred as a result of the effectuation of sections 335.212 to 335.259 shall be paid from this fund.]

[335.221. EDUCATION SURCHARGE, AMOUNT, DEPOSIT IN NURSING STUDENT LOAN AND NURSE LOAN REPAYMENT FUND. — The board, in addition to any other duties it may have regarding licensure of nurses, shall collect, at the time of licensure or licensure renewal, an education surcharge from each person licensed or relicensed pursuant to sections 335.011 to 335.096, in the amount of one dollar per year for practical nurses and five dollars per year for professional nurses. These funds shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund. All expenditures authorized by sections 335.212 to 335.259 shall be paid from funds appropriated by the general assembly from the professional and practical nursing student loan and nurse loan repayment fund. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.]

[335.224. CONTRACTS FOR REPAYMENT OF LOANS. — The department of health and senior services shall enter into a contract with each qualified applicant receiving financial assistance under the provisions of sections 335.212 to 335.242 for repayment of the principal and interest.]

[335.227. ELIGIBILITY FOR LOAN. — An eligible student may apply to the department for financial assistance under the provisions of sections 335.212 to 335.242 if, at the time of his application for a loan, the eligible student has formally applied for acceptance at a participating school. Receipt of financial assistance is contingent upon acceptance and continued enrollment at a participating school.]

[335.230. FINANCIAL ASSISTANCE, AMOUNT. — Financial assistance to any qualified applicant shall not exceed ten thousand dollars for each academic year for a professional nursing program and shall not exceed five thousand dollars for each academic year for a practical nursing program. All financial assistance shall be made from funds credited to the professional and practical nursing student loan and nurse loan repayment fund. A qualified applicant may receive financial assistance for each academic year he remains a student in good standing at a participating school.]

[335.233. SCHEDULE FOR REPAYMENT OF LOAN — INTEREST, AMOUNT. — The department shall establish schedules for repayment of the principal and interest on any financial assistance made under the provisions of sections 335.212 to 335.242. Interest at the rate of nine and one half percent per annum shall be charged on all financial assistance made under the provisions of sections 335.212 to 335.242, but the interest and principal of the total financial assistance granted to a qualified applicant at

the time of the successful completion of a nursing degree, diploma program or a practical nursing program shall be forgiven through qualified employment.]

[335.236. REPAYMENT OF LOAN — WHEN. — The financial assistance recipient shall repay the financial assistance principal and interest beginning not more than six months after completion of the degree for which the financial assistance was made in accordance with the repayment contract. If an eligible student ceases his study prior to successful completion of a degree or graduation at a participating school, interest at the rate specified in section 335.233 shall be charged on the amount of financial assistance received from the state under the provisions of sections 335.212 to 335.242, and repayment, in accordance with the repayment contract, shall begin within ninety days of the date the financial aid recipient ceased to be an eligible student. All funds repaid by recipients of financial assistance to the department shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]

[335.239. DEFERRAL OF REPAYMENT OF LOANS — WHEN. — The department shall grant a deferral of interest and principal payments to a financial assistance recipient who is pursuing an advanced degree, special nursing program, or upon special conditions established by the department. The deferral shall not exceed four years. The status of each deferral shall be reviewed annually by the department of health and senior services to ensure compliance with the intent of this section.]

[335.242. ACTION TO RECOVER LOANS DUE. — When necessary to protect the interest of the state in any financial assistance transaction under sections 335.212 to 335.259, the department of health and senior services may institute any action to recover any amount due.]

[335.245. DEFINITIONS. — As used in sections 335.245 to 335.259, the following terms mean:

- (1) "Department", the Missouri department of health and senior services;
- (2) "Eligible applicant", a Missouri licensed nurse who has attained either an associate degree, a diploma, a bachelor of science, or graduate degree in nursing from an accredited institution approved by the board of nursing or a student nurse in the final year of a full-time baccalaureate school of nursing leading to a baccalaureate degree or graduate nursing program leading to a master's degree in nursing and has agreed to serve in an area of defined need as established by the department;
- (3) "Participating school", an institution within this state which grants an associate degree in nursing, grants a bachelor or master of science degree in nursing or provides a diploma nursing program which is accredited by the state board of nursing, or a regionally accredited institution in this state which provides a bachelor of science completion program for registered professional nurses;
- (4) "Qualified employment", employment on a full-time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020 or public or nonprofit agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section.]

[335.248. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAM — RULES AND REGULATIONS. — Sections 335.245 to 335.259 shall be known as the "Nursing Student Loan Repayment Program". The department of health and senior services shall be the administrative agency for the implementation of the authority established by sections 335.245 to 335.259. The department shall promulgate reasonable rules and regulations necessary to implement sections 335.245 to 335.259. Promulgated rules shall include, but not be limited to, applicant eligibility, selection criteria, prioritization of service obligation sites and the content of loan repayment contracts, including repayment schedules for those in default and penalties. The department shall promulgate rules regarding

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Matter in bold-face type is proposed language.

recruitment opportunities for minority students into nursing schools. Priority for student loan repayment shall be given to eligible applicants who have demonstrated financial need. All funds collected by the department from participants not meeting their contractual obligations to the state shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]

[335.251. LOAN REPAYMENT CONTRACT — QUALIFIED EMPLOYMENT — RECOVERY OF AMOUNTS DUE. — Upon proper verification to the department by the eligible applicant of securing qualified employment in this state, the department shall enter into a loan repayment contract with the eligible applicant to repay the interest and principal on the educational loans of the applicant to the limit of the contract, which contract shall provide for instances of less than full-time qualified employment consistent with the provisions of section 335.233, out of any appropriation made to the professional and practical nursing student loan and nurse loan repayment fund. If the applicant breaches the contract by failing to begin or complete the qualified employment, the department is entitled to recover the total of the loan repayment paid by the department plus interest on the repaid amount at the rate of nine and one-half percent per annum.]

[335.254. LAW NOT TO REQUIRE CERTAIN CONTRACTS. — Sections 335.212 to 335.259 shall not be construed to require the department to enter into contracts with individuals who qualify for nursing education loans or nursing loan repayment programs when federal, state and local funds are not available for such purposes.]

[335.257. VERIFICATION OF QUALIFIED EMPLOYMENT. — Successful applicants for whom loan payments are made under the provisions of sections 335.245 to 335.259 shall verify to the department twice each year in the manner prescribed by the department that qualified employment in this state is being maintained.]

SECTION B. EMERGENCY CLAUSE FOR A CERTAIN SECTION. — Because immediate action is necessary to address the shortage of health care providers in this state, the enactment of section 191.592 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 191.592 of this act shall be in full force and effect upon its passage and approval.

Approved July 6, 2023

SS HB 447

Enacts provisions relating to duties of the department of elementary and secondary education.

AN ACT to repeal sections 160.2705, 160.2720, 160.2725, 167.019, 167.126, 173.280, and 205.565, RSMo, and to enact in lieu thereof twelve new sections relating to duties of the department of elementary and secondary education.

SECTION

- A Enacting clause.
 160.527 Health and family education credit — work groups, duties, members — academic performance standards.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

- 160.2705 Adult high schools authorized, where — funding administration — operation by nonprofit organization, criteria — academic requirements, diplomas.
- 160.2720 Annual report, contents.
- 160.2725 Rulemaking authority.
- 161.243 Early childhood education grants — definitions — standards.
- 161.396 Citation of law — definitions — deaf or hard of hearing children, parent resource for ASL and English literacy — tools or assessments — department duties — ad hoc advisory committee, duties — annual report.
- 163.063 Nonresident pupils in residential care facilities — federal and state aid, counted in average daily attendance, where.
- 167.019 Placement decisions, agencies to consider foster child's school attendance area — right to remain in certain districts — course work to be accepted — graduation requirements — rulemaking authority.
- 167.126 Children admitted to certain programs or facilities, right to educational services — school district, per pupil cost, payment — inclusion in average daily attendance, payments in lieu of taxes, when.
- 173.280 Compensation of student athletes permitted, when — definitions — grant-in-aid or stipend eligibility not impacted, when — contracts for compensation prohibited, when — educational workshops, purpose — civil action, when — applicability.
- 205.565 Grants for caring communities programs.
- 210.1360 Minors receiving child care, confidentiality of certain information, exceptions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 160.2705, 160.2720, 160.2725, 167.019, 167.126, 173.280, and 205.565, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 160.527, 160.2705, 160.2720, 160.2725, 161.243, 161.396, 163.063, 167.019, 167.126, 173.280, 205.565, and 210.1360, to read as follows:

160.527. HEALTH AND FAMILY EDUCATION CREDIT — WORK GROUPS, DUTIES, MEMBERS — ACADEMIC PERFORMANCE STANDARDS. — **1. The one-half unit of credit in health education required by the state board of education shall be renamed "Health and Family Education" for the 2024-25 school year and all subsequent school years.**

2. The state board of education shall convene a work group to develop and recommend academic performance standards relating to the one-half unit of credit of health and family education required by the board. The work group shall include, but not be limited to, educators providing instruction in health education and family and consumer science in grades nine to twelve, representatives from the department of elementary and secondary education, and nonprofit organizations that focus on public health, parenting, and social services. The work group shall develop written curriculum frameworks relating to health and family education with an emphasis on behavioral health relating to the causes of morbidity and mortality of youth, chronic disease management, and parenting skills associated with optimal family health over a lifetime that may be used by school districts.

3. The state board of education shall adopt and implement academic performance standards relating to health and family education for the 2024-25 school year and all subsequent school years.

4. The requirements of section 160.514 shall not apply to this section.

160.2705. ADULT HIGH SCHOOLS AUTHORIZED, WHERE — FUNDING ADMINISTRATION — OPERATION BY NONPROFIT ORGANIZATION, CRITERIA — ACADEMIC REQUIREMENTS, DIPLOMAS. — 1. ~~[The department of elementary and secondary education shall authorize before January 1, 2018, a]~~ **The department of social services shall authorize** Missouri-based nonprofit ~~[organization]~~ **organizations** meeting the criteria ~~[under subsection 2]~~ of this section to establish and operate ~~[four]~~ **up to five** adult high schools, with:

- (1) One adult high school to be located in a city not within a county;
- (2) One adult high school to be located in a county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants or a county contiguous to that county;
- (3) One adult high school to be located in a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants or a county contiguous to that county; ~~[and]~~
- (4) One adult high school to be located in a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants; **and**
- (5) One adult high school to be located in a county with more than seven hundred thousand but fewer than eight hundred thousand inhabitants, or a contiguous county.**

2. ~~[The department of elementary and secondary education shall grant the authorization described under subsection 1 of this section based on a bid process conducted in accordance with the rules and regulations governing purchasing through the office of administration. The successful bidder shall:]~~ **The department of social services shall administer funding to adult high schools subject to appropriations. The department shall be responsible for granting and maintaining authorization for adult high schools. For adult high schools in operation prior to January 1, 2023, the department shall maintain authorization for the nonprofit organization to operate the schools, subject to compliance with this section. No more than one organization shall be authorized to operate an adult high school at each location described in subsection 1 of this section. An organization may establish satellite campuses for any adult high school it is authorized to operate. The department shall administer funding for satellite campuses subject to appropriations.**

3. **On or before January 1, 2024, the department of social services shall select an eligible Missouri-based nonprofit organization to operate in a location described in subdivision (5) of subsection 1 of this section. An eligible organization shall:**

- (1) Demonstrate the ability to establish, within twenty-one months of the receipt of the authorization, ~~[four] an adult high [schools] school~~ offering high school diplomas, an industry certification program or programs, and child care for children of the students attending the high schools;
- (2) ~~[Commit at least two million dollars in investment for the purpose of establishing the necessary infrastructure to operate four adult high schools]~~ **Demonstrate the ability to commit at least five hundred thousand dollars for the purpose of establishing the necessary infrastructure at the adult high school;**
- (3) Demonstrate substantial and positive experience in providing services, including industry certifications and job placement services, to adults twenty-one years of age or older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances;
- (4) Establish a partnership with a state-supported postsecondary education institution or more than one such partnership, if a partnership or partnerships are necessary in order to meet the requirements for an adult high school;
- (5) Establish a comprehensive plan that sets forth how the adult high schools will help address the need for a sufficiently trained workforce in the surrounding region for each adult high school;
- (6) Establish partnerships and strategies for engaging the community and business leaders in carrying out the goals of each adult high school;

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(7) Establish the ability to meet quality standards through certified teachers and programs that support each student in such student's goal to find a more rewarding job;

(8) Establish a plan for assisting students in overcoming barriers to educational success including, but not limited to, educational disadvantages, homelessness, criminal history, disability, including learning disability such as dyslexia, and similar circumstances;

(9) Establish a process for determining outcomes of the adult high school, including outcomes related to a student's ability to find a more rewarding job through the attainment of a high school diploma and job training and certification; and

(10) ~~[Bids shall not include an]~~ **Limit the** administrative fee ~~[greater than]~~ **to no more than** ten percent.

~~[3-]~~ **4.** (1) The department of elementary and secondary education shall establish academic requirements for students to obtain high school diplomas.

(2) Requirements for a high school diploma shall be based on an adult student's prior high school achievement and the remaining credits and coursework that would be necessary for the student to receive a high school diploma if such student were in a traditional high school setting. The adult student shall meet the requirements with the same level of academic rigor as would otherwise be necessary to attain such credits.

(3) The adult high school authorized under this section shall award high school diplomas to students who successfully meet the established academic requirements. The adult high school authorized under this section shall confer the diploma as though the student earned the diploma at a traditional high school. The diploma shall have no differentiating marks, titles, or other symbols.

(4) Students at adult high schools may complete required coursework at their own pace and as available through the adult high school. They shall not be required to satisfy any specific number of class minutes. The adult high school may also make classes available to students online as may be appropriate. However, students shall not complete the majority of instruction of the school's curriculum online or through remote instruction. For the purposes of this subsection, synchronous instruction connecting students to a live class conducted in a Missouri adult high school shall be treated the same as in-person instruction.

(5) The department of elementary and secondary education shall not create additional regulations or burdens on the adult high school or the students attending the adult high schools beyond certifying necessary credits and ensuring that students have sufficiently mastered the subject matter to make them eligible for credit.

~~[4-]~~ **5.** An adult high school shall be deemed a secondary school system for the purposes of subdivision (15) of subsection 1 of section 210.211.

160.2720. ANNUAL REPORT, CONTENTS. — The nonprofit organization who receives the authorization described under section 160.2705 shall submit to the department of elementary and secondary education, **the department of social services**, the joint committee on education, and the offices of the governor, speaker of the house of representatives, and president pro tempore of the senate an annual report concerning evaluations of the adult high schools, including the impact the adult high schools have had in meeting industry needs in the state before December first of each year.

160.2725. RULEMAKING AUTHORITY. — The department of ~~[elementary and secondary education]~~ **social services** may promulgate rules to implement the provisions of sections 160.2700 to 160.2720. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held

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unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

161.243. EARLY CHILDHOOD EDUCATION GRANTS — DEFINITIONS — STANDARDS. — 1.
As used in this section, the following terms mean:

(1) "Early childhood education services", programming or services intended to effect positive developmental changes in children prior to their entry into kindergarten;

(2) "Private entity", an entity that meets the definition of a licensed child care provider as defined in section 210.201, license exempt as defined in section 210.211, or that is unlicensed but is contracted with the department of elementary and secondary education.

2. Subject to appropriation, the department of elementary and secondary education shall provide grants directly to private entities for the provision of early childhood education services. The standards prescribed in section 161.213 shall be applicable to all private entities that receive these grant funds.

161.396. CITATION OF LAW — DEFINITIONS — DEAF OR HARD OF HEARING CHILDREN, PARENT RESOURCE FOR ASL AND ENGLISH LITERACY — TOOLS OR ASSESSMENTS — DEPARTMENT DUTIES — AD HOC ADVISORY COMMITTEE, DUTIES — ANNUAL REPORT. — 1.
This section shall be known and may be cited as the "Language Equality and Acquisition for Deaf Kids (LEAD-K) Act".

2. As used in this section, the following terms mean:

(1) "ASL", American Sign Language as defined in section 209.285;

(2) "Credentialed teacher", a certificated teacher with a special education endorsement in deaf or hard-of-hearing education;

(3) "Department", the department of elementary and secondary education;

(4) "English", the English language including, but not limited to, spoken English, written English, and English with the use of visual supplements;

(5) "IEP", individualized education program;

(6) "IFSP", individualized family service plan;

(7) "Language", communication including, but not limited to, ASL and English;

(8) "Language developmental milestones", milestones of language development aligned with the existing state instrument used to meet the requirements of federal law for the assessment of children from birth to five years of age;

(9) "Parent", a parent, legal guardian, or other person having charge, custody, or control of the student.

3. The department shall select language developmental milestones from existing standardized norms as provided in subsection 6 of this section to develop a resource for use by parents to monitor and track expressive and receptive language acquisition and developmental stages toward ASL and English literacy of children who are deaf or hard of hearing. Such parent resource shall:

(1) Include the language developmental milestones selected under the process specified in subsection 6 of this section;

(2) Be appropriate for use, in both content and administration, with children who are deaf or hard of hearing and who use ASL, English, or both;

(3) Present the language developmental milestones in terms of typical development of all children by age range;

(4) Be written for clarity and ease of use by parents;

(5) Be aligned with the department's existing infant, toddler, and preschool guidelines; the existing instrument used to assess the development of children with disabilities under federal law; and state standards in English language arts;

(6) Make clear that parents have the right to select ASL, English, or both for a child's language acquisition and developmental milestones;

(7) Make clear that the parent resource is not a formal assessment of language and literacy development and that a parent's observations of a child may differ from formal assessment data presented at an IEP or IFSP meeting;

(8) Make clear that parents may bring the parent resource to an IEP or IFSP meeting for purposes of sharing observations about a child's development;

(9) Include fair, balanced, and comprehensive information about language and communication modes and about available services and programs; and

(10) Include informational resources from Missouri hospitals, as such term is defined in section 197.020, audiologists, otolaryngologists, and pediatricians.

4. The department shall select existing tools or assessments for educators that can be used to assess the language and literacy development of children who are deaf or hard of hearing. Such tools or assessments selected under this subsection:

(1) Shall be:

(a) In a format that shows stages of language development;

(b) Selected for use by educators to track the development of expressive and receptive language acquisition and developmental stages toward English literacy of children who are deaf or hard of hearing;

(c) Selected from existing instruments or assessments used to assess the development of all children from birth to five years of age; and

(d) Appropriate, in both content and administration, for use with children who are deaf or hard of hearing; and

(2) May:

(a) In addition to the assessment required by federal law, be used by the child's IEP or IFSP team, as applicable, to track the progress of the child who is deaf or hard of hearing and to establish or modify the child's IEP or IFSP; and

(b) Reflect the recommendations of the advisory committee established in this section.

5. (1) The department shall:

(a) Disseminate the parent resource developed under subsection 3 of this section to parents of children who are deaf or hard of hearing;

(b) Under federal law, disseminate the educator tools and assessments selected under subsection 4 of this section to local educational agencies for use in the development and modification of an IEP or IFSP; and

(c) Provide materials and training on the use of the parent resource to assist children who are deaf or hard of hearing in becoming linguistically ready for kindergarten using ASL, English, or both.

(2) If a child who is deaf or hard of hearing does not demonstrate progress in expressive and receptive language skills, as measured by one of the educator tools or assessments selected under subsection 4 of this section or by the existing instrument used to assess the development of children with disabilities under federal law, the child's IEP or IFSP team shall, as part of the process required by federal law, explain in detail the reasons the child is not progressing toward or meeting the language developmental milestones and shall recommend specific strategies, services, and programs that will be provided to assist with the child's success toward English literacy.

6. (1) Before March 1, 2024, the department shall provide the advisory committee established in this section with a list of existing language developmental milestones from existing standardized norms with any relevant information held by the department regarding those language developmental milestones for possible inclusion in the parent resource developed under subsection 3 of this section. The language developmental milestones shall be aligned to the department's existing infant, toddler, and preschool guidelines; the existing instrument used to assess the development of children with disabilities under federal law; and the state standards in English language arts.

(2) Before June 1, 2024, the advisory committee shall recommend language developmental milestones for selection under subsection 3 of this section.

(3) Before July 1, 2024, the department shall inform the advisory committee of which language developmental milestones the department selected.

7. (1) The commissioner of education shall, in consultation with the Missouri commission for the deaf and hard of hearing, establish an ad hoc advisory committee to solicit input from experts on the selection of language developmental milestones for children who are deaf or hard of hearing that are equivalent to milestones for children who are not deaf or hard of hearing for inclusion in the parent resource developed under subsection 3 of this section. The advisory committee may make recommendations on the selection and administration of the educator tools or assessments selected under subsection 4 of this section. The advisory committee may make recommendations on materials that are unbiased and comprehensive to add to the parent resource.

(2) The majority of the advisory committee's members shall be individuals who are deaf or hard of hearing. The advisory committee shall consist of parents, advocates, and professionals from the field of education for the deaf and hard of hearing and shall have a balance of members who personally, professionally, or parentally use ASL and English and members who personally, professionally, or parentally use only spoken English. The advisory committee shall consist of the following members:

- (a) A credentialed teacher of the deaf who provides direct instruction in ASL;
- (b) A credentialed teacher of the deaf who provides direct instruction in listening and spoken language;
- (c) A credentialed teacher of the deaf who has expertise in curriculum development and instruction in ASL and English;
- (d) A credentialed teacher of the deaf who has expertise in assessing language development both in ASL and English;
- (e) A speech-language pathologist who has experience working with children from birth to five years of age who are deaf or hard of hearing and use listening and spoken language;
- (f) A speech-language pathologist who has experience working with children from birth to five years of age who are deaf or hard of hearing and use ASL;
- (g) A parent of a child who is deaf or hard of hearing who uses ASL;
- (h) A parent of a child who is deaf or hard of hearing who uses listening and spoken language;
- (i) A deaf or deaf-blind member of the community who uses ASL as the primary means of communication; or
- (j) A deaf or deaf-blind member of the community who uses spoken language as the primary means of communication; and
- (k) Seven members of the committee shall be ex officio members and shall be:
 - a. The executive director of the Missouri commission for the deaf and hard of hearing, or the director's designee;
 - b. The superintendent or assistant superintendent of the Missouri School for the Deaf, or the superintendent's designee;

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- c. A representative of the Missouri Association of the Deaf;
- d. The person designated by the department of health and senior services to manage the Missouri newborn hearing screening program;
- e. A coordinator of the First Steps early intervention program administered by the department, or such coordinator's designee;
- f. The person designated by the department of elementary and secondary education's office of childhood to manage Missouri's early care & education connections; and
- g. A representative of the department of elementary and secondary education's vocational rehabilitation program who works with individuals who are deaf or hard of hearing.

(3) The advisory committee may advise the department or the department's contractor on the content and administration of the existing instrument used to assess the development of children with disabilities under federal law, as used to assess the language and literacy development of children who are deaf or hard of hearing to ensure the appropriate use of such instrument with such children, and may make recommendations regarding future research to improve the measurement of progress in language and literacy of children who are deaf or hard of hearing.

8. For the 2024-25 school year and all subsequent school years, the department shall produce an annual report that is specific to language and literacy development of children who are deaf or hard of hearing including, but not limited to, children who are deaf or hard of hearing and have other disabilities, from birth to five years of age relative to peers who are not deaf or hard of hearing. The report shall use existing data reported in compliance with the federally required state performance plan on pupils with disabilities. The department shall make the report available on the department's website before August first of each school year.

9. All activities of the department in implementing this section shall be consistent with federal law regarding the education of children with disabilities and federal law regarding the privacy of pupil information.

10. For the purposes of developing and using language as described in paragraph (a) of subdivision (1) of subsection 4 of this section, for a child who is deaf or hard of hearing the following modes of communication may be used as a means for acquiring language:

- (1) ASL services;
- (2) Spoken language services;
- (3) Dual-language services;
- (4) Cued speech;
- (5) Tactile sign as defined in section 209.285; and
- (6) Any combination of subdivisions (1) to (5) of this subsection.

11. This section shall apply only to activities of the department relating to children from birth to five years of age.

12. Implementation of this section shall be subject to appropriations for purposes of this section.

163.063. NONRESIDENT PUPILS IN RESIDENTIAL CARE FACILITIES — FEDERAL AND STATE AID, COUNTED IN AVERAGE DAILY ATTENDANCE, WHERE. — 1. As used in this section, the following words mean:

- (1) "Nonresident pupil", a child who:

(a) At the time such child is admitted to a residential care facility, is domiciled in one school district in Missouri but resides in a residential care facility located in another school district in Missouri as a result of placement arranged by or approved by the department of mental health or the department of social services or placement arranged by or ordered by a court of competent jurisdiction;

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Matter in bold-face type is proposed language.

(b) Receives care or treatment in such residential care facility that is not within the school district in which the child's domicile is located;

(c) Is unable to attend school in either the school district in which such domicile is located or the school district in which such residential care facility is located because such child:

a. May be a safety risk; or

b. Has behavioral conditions that support the need to educate such child on such residential care facility's site or campus; and

(d) Is being provided all required educational services within such residential care facility;

(2) "Residential care facility", any residential care facility required to be licensed under sections 210.481 to 210.536, or a similar facility.

2. For purposes of calculating federal aid and state aid distributions for nonresident pupils pursuant to the provisions of this chapter, a nonresident pupil who receives all of such pupil's required educational services on-site at a residential care facility shall be included in the average daily attendance of the following school district that results in the greatest total amount of state and federal aid to the district in which the residential care facility is located:

(1) The school district of such pupil's domicile prior to placement in a residential care facility; or

(2) The school district of such pupil's residence following placement in a residential care facility.

3. Any educational costs incurred by a residential care facility that are not remitted under this section may be reimbursed as provided in section 167.126.

4. Educational costs incurred by a residential care facility for a child who was not enrolled in a school district in Missouri at the time the child was admitted to such residential care facility shall be reimbursed as provided in section 167.126.

5. No provision of this section shall be construed to prevent a residential care facility and a school district from mutually agreeing to a financial arrangement that deviates from the provisions of this section.

167.019. PLACEMENT DECISIONS, AGENCIES TO CONSIDER FOSTER CHILD'S SCHOOL ATTENDANCE AREA — RIGHT TO REMAIN IN CERTAIN DISTRICTS — COURSE WORK TO BE ACCEPTED — GRADUATION REQUIREMENTS — RULEMAKING AUTHORITY. — 1. (1) A child-placing agency, as defined under section 210.481, shall promote educational stability for foster care children by considering the child's school attendance area when making placement decisions. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement disputes or to return to a previously attended school in an adjacent district.

(2) In the event that a best interest determination is not completed within ten days of a child's being placed in a foster care placement that is located in a school district other than the child's domicile school district prior to such placement, it shall be deemed that enrollment in the school district where the child resides as a result of such placement shall be in the best interest of the child for the purpose of the required best interest determination. This subdivision shall apply only to cases where the distance between the child's residential address as a result of the foster care placement and the school building that was the child's previous school in their domicile district is more than ten miles, or fifteen miles if the child is receiving service from a special school district established under the provisions of sections 162.670 to 162.999.

2. Each school district shall accept for credit full or partial course work satisfactorily completed by a pupil while attending a public school, nonpublic school, or nonsectarian school in accordance with district policies or regulations.

3. If a pupil completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court as described in chapter 211, the school district of residence shall issue a diploma to the pupil.

4. School districts shall ensure that if a pupil in foster care is absent from school due to a decision to change the placement of a pupil made by a court or child placing agency, or due to a verified court appearance or related court-ordered activity, the grades and credits of the pupil shall be calculated as of the date the pupil left school, and no lowering of his or her grades shall occur as a result of the absence of the pupil under these circumstances.

5. School districts, subject to federal law, shall be authorized to permit access of pupil school records to any child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

167.126. CHILDREN ADMITTED TO CERTAIN PROGRAMS OR FACILITIES, RIGHT TO EDUCATIONAL SERVICES — SCHOOL DISTRICT, PER PUPIL COST, PAYMENT — INCLUSION IN AVERAGE DAILY ATTENDANCE, PAYMENTS IN LIEU OF TAXES, WHEN. — 1. (1) The following children shall have the right to educational services as provided in subdivision (2) of this section:

(a) Children who are admitted to programs or facilities of the department of mental health [or]; and

(b) Children whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of:

a. Placement arranged by or approved by the department of mental health[;] or the department of social services [or];

b. Placement arranged by or ordered by a court of competent jurisdiction; or

c. Admittance under a physician's order because of a determination of medical necessity for a diagnosed mental illness.

(2) Children described in subdivision (1) of this subsection shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per-pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

3. When educational services have been provided by the school district or special school district in which a child actually resides, including a child who temporarily resides in a children's hospital licensed under chapter 197 **or a psychiatric residential treatment facility**, for rendering health care services to

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children under the age of eighteen for more than three days, other than the district of domicile, the amounts as provided in subsection 2 of this section for which the domiciliary school district or special school district is responsible shall be paid by such district directly to the serving district. The school district, or special school district, as the case may be, shall send a written voucher for payment to the regular or special district constituting the domicile of the child served and the domiciliary school district or special school district receiving such voucher shall pay the district providing or procuring the services an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts. In the event the responsible district fails to pay the appropriate amount to the district within ninety days after a voucher is submitted, the state department of elementary and secondary education shall deduct the appropriate amount due from the next payments of any state financial aid due that district and shall pay the same to the appropriate district.

4. In cases where a child whose domicile is in one district is placed in programs or facilities operated by the department of mental health or resides in another district pursuant to assignment by that department ~~[or]~~, is placed by the department of social services or a court of competent jurisdiction into any type of publicly contracted residential site in Missouri, **or is admitted under a physician's order because of a determination of medical necessity for a diagnosed mental illness**, the department of elementary and secondary education shall, as soon as funds are appropriated, pay the serving district from funds appropriated for that purpose the amount by which the per-pupil costs of the educational services exceeds the amounts received from the domiciliary district except that any other state money received by the serving district by virtue of rendering such service shall reduce the balance due.

5. Institutions providing a place of residence for children whose parents or guardians do not reside in the district in which the institution is located shall have authority to enroll such children in a program in the district or special district in which the institution is located and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The provisions of this subsection shall not apply to placement authorized pursuant to subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in the district or special district. "Institution" as used in this subsection means a facility organized under the laws of Missouri for the purpose of providing care and treatment of juveniles.

6. Children residing in institutions providing a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted to schools or programs provided on a contractual basis between the school district, special district or state department or agency and the proper department or agency, or persons in the state where domicile is maintained. Such contracts shall not be permitted to place any financial burden whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

7. For purposes of this section the domicile of the child shall be the school district where the child would have been educated if the child had not been placed in a different school district. No provision of this section shall be construed to deny any child domiciled in Missouri appropriate and necessary, gratuitous public services.

8. For the purpose of distributing state aid under section 163.031, a child receiving educational services provided by the district in which the child actually resides, other than the district of domicile, shall be included in average daily attendance, as defined under section 163.011, of the district providing the educational services for the child.

9. Each school district or special school district where the child actually resides, other than the district of domicile, may receive payment from the department of elementary and secondary education, in lieu of receiving the local tax effort from the domiciliary school district. Such payments from the department shall be subject to appropriation and shall only be made for children that have been placed in a school other than the domiciliary school district by a state agency ~~[or]~~, a court of competent jurisdiction, **or by being admitted under a physician's order because of a determination of medical**

necessity for a diagnosed mental illness and from whom excess educational costs are billed to the department of elementary and secondary education.

173.280. COMPENSATION OF STUDENT ATHLETES PERMITTED, WHEN — DEFINITIONS — GRANT-IN-AID OR STIPEND ELIGIBILITY NOT IMPACTED, WHEN — CONTRACTS FOR COMPENSATION PROHIBITED, WHEN — EDUCATIONAL WORKSHOPS, PURPOSE — CIVIL ACTION, WHEN — APPLICABILITY. — 1. As used in this section, the following terms mean:

(1) "Institutional marketing associate", any third party entity that enters into an agreement with a postsecondary educational institution or its intercollegiate athletics or sports program to market and/or promote the postsecondary educational institution or its intercollegiate athletics or sports program, or to otherwise act on behalf of the postsecondary educational institution or the postsecondary educational institution's intercollegiate athletics or sports program. This term does not include a regulatory body, postsecondary educational institution, postsecondary educational institution staff member, or their respective officers, directors, managers, owners, or employees;

(2) "Postsecondary educational institution", any campus of a public or private institution of higher education in this state that is subject to the coordinating board for higher education under section 173.005;

~~[(2)]~~ (3) "Student athlete", an individual who is eligible to participate in, participates in, or has participated in an intercollegiate sport for a postsecondary educational institution. Student athlete shall not be construed to apply to an individual's participation in a college intramural sport or in a professional sport outside of intercollegiate athletics;

~~[(3)]~~ (4) "Third party", any individual or entity, including any athlete agent, other than a postsecondary educational institution, athletic conference, or athletic association.

2. (1) No postsecondary educational institution shall uphold any rule, requirement, standard, or other limitation of an athletic association or athletic conference that prevents a student of that institution from fully participating in intercollegiate athletics without penalty and earning compensation as a result of the use of the student's name, image, likeness rights, or athletic reputation. A student athlete earning compensation from the use of a student's name, image, likeness rights, or athletic reputation shall not affect such student athlete's grant-in-aid or stipend eligibility, amount, duration, or renewal.

(2) No postsecondary educational institution shall interfere with or prevent a student from fully participating in intercollegiate athletics or obtaining professional representation in relation to contracts or legal matters relating to earning compensation as a result of the use of the student athlete's name, image, likeness rights, or athletic reputation, including, but not limited to, representation provided by athlete agents, financial advisors, or legal representation provided by attorneys.

3. A grant-in-aid or stipend from the postsecondary educational institution in which a student is enrolled shall not be construed to be compensation for use of the student's name, image, likeness rights, or athletic reputation for purposes of this section, and no grant-in-aid or stipend shall be revoked or reduced as a result of a student earning compensation under this section.

4. (1) No student athlete shall enter into an apparel, equipment, or beverage contract providing compensation to the athlete for use of the athlete's name, image, likeness rights, or athletic reputation if the contract requires the athlete to display a sponsor's apparel, equipment, or beverage or otherwise advertise for the sponsor during official team activities if such provisions are in conflict with a provision of the postsecondary educational institution's current licenses or contracts.

(2) (a) Except with the prior written consent of the student athlete's postsecondary educational institution, a student athlete shall not enter into a contract for compensation for the use of such student athlete's name, image, likeness rights, or athletic reputation, if such institution determines that a term of the contract conflicts with a term of a contract to which such institution is a party.

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(b) A postsecondary educational institution or any officer, director, or employee of such institution, including but not limited to a coach, member of the coaching staff, or any individual associated with the ~~[institutions]~~ **institution's** athletic department, ~~[may identify]~~ **shall have the right to identify, create, facilitate, negotiate, support, enable,** or otherwise assist with opportunities for a student athlete to earn compensation from a third party, **including an institutional marketing associate,** for the use of the student athlete's name, image, likeness rights, or athletic reputation, provided that such individual shall not:

- a. ~~Serve as the athlete's agent;~~
- ~~b.]~~ Receive compensation from the student athlete or a third party for facilitating ~~[or]~~, enabling, **or assisting with** such opportunities;
- ~~[e.]~~ **b.** Attempt to influence an athlete's choice of professional representation related to such opportunities; **or**
- ~~[d.]~~ **c.** Attempt to reduce such athlete's opportunities from competing third parties~~]; or~~
- ~~e. Be present at any meeting between a student athlete and a third party who provides for a student athlete's compensation, where the student athlete's name, image, likeness rights, or athletic reputation contract for compensation is negotiated or completed].~~

(c) The provisions of this section shall not be construed to qualify a student athlete as an employee of a postsecondary educational institution.

(3) Before any contract for compensation for the use of a student athlete's name, image, likeness rights, or athletic reputation, **or for professional representation,** is executed, and before any compensation is provided to the student athlete in advance of a contract, the student athlete shall disclose that contract to his or her postsecondary educational institution in a manner prescribed by such institution.

(4) A postsecondary educational institution or any officer, director, or employee of such institution ~~[or entity]~~ shall not compensate a student athlete, prospective student athlete, or the family of such individuals, ~~[or cause compensation to be directed to a prospective student athlete, or the family of a student athlete or the family of a prospective student athlete,]~~ for the use of such student athlete or prospective student athlete's name, image, likeness rights, or athletic reputation, **unless otherwise permitted by institutional policy and a collegiate athletics association that the postsecondary educational institution is a member of.**

(5) (a) As used in this subdivision, "unique identifier" means any of the following developed or adopted for marketing or promotional purposes by a postsecondary educational institution or a third party:

- a. Seal;
- b. Logo;
- c. Emblem;
- d. Motto;
- e. Special symbol;
- f. Institutional colors;
- g. Modifier or descriptor;
- h. Design;
- i. Patentable or copyrightable item, material, or information; or
- j. Other item, material, or information that identifies and is recognizable as unique to such postsecondary educational institution or third party.

(b) A postsecondary educational institution or a third party shall develop and adopt a process for granting to a student athlete, or to a third party for use with a student athlete, a license to use such institution's or third party's unique identifiers when earning or attempting to earn compensation from the use of such student athlete's name, image, likeness rights, or athletic reputation consistent with its policies regarding licensing of its unique identifiers.

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(c) A postsecondary educational institution or a third party may charge a reasonable fee for a license to use a unique identifier under this subdivision.

(d) A postsecondary educational institution, or a third party, may impose requirements that a student athlete granted a license under this subdivision refrain from using such unique identifier in a manner that the institution in its sole discretion determines:

a. Is reasonably considered to be inconsistent with such institution's or third party's values or mission;

b. Adversely affects such institution's or third party's image;

c. Negatively impacts or inappropriately reflects upon the reputation or religious, moral, or ethical standards of such institution or third party;

d. Violates such institution's or third party's code of conduct or similar requirements; or

e. Conflicts with a provision of such institution's or third party's current licenses or contracts.

5. No contract of a postsecondary educational institution's athletic program shall prevent a student athlete from receiving compensation for using the student athlete's name, image, likeness rights, or athletic reputation for a commercial purpose when the athlete is not engaged in official mandatory team activities that are recorded in writing and can be made publicly available upon request.

6. (1) If a private postsecondary educational institution collects, retains, or maintains the terms of a student athlete's contract or proposed contract detailing compensation to such student athlete for the use of such student athlete's name, image, likeness, or athletic reputation, such postsecondary educational institution shall consider such contract terms to be student governed by the Family Education Rights and Privacy Act (FERPA).

(2) The terms of a contract or proposed contract detailing compensation to a student athlete for the use of such student athlete's name, image, likeness, or athletic reputation shall be deemed a closed record under chapter 610. A public postsecondary educational institution subject to this subsection may withhold or refuse to release or otherwise disclose such contract terms without seeking a formal opinion of the attorney general of this state as authorized in section 610.027.

7. (1) No compensation to a student athlete for earning or attempting to earn compensation from the use of such student athlete's name, image, likeness rights, or athletic reputation shall be conditioned on such student athlete's athletic performance. Those providing compensation to a student athlete for the use of his or her name, image, likeness rights, or athletic reputation shall have the right to condition payment of that compensation on a student athlete's attendance at a particular postsecondary educational institution.

(2) A charitable organization that qualifies as an exempt organization under 26 U.S.C. Section 501(c)(3), as amended, shall have the right to compensate a student athlete for the commercial use of the student athlete's name, image, likeness rights, or athletic reputation.

(3) Notwithstanding any rule of an athletic association, athletic conference, or any other organization with authority over varsity intercollegiate athletics, institutional marketing associates shall have the right to compensate a student athlete for the commercial use of the student athlete's name, image, likeness rights, or athletic reputation. This includes the right to compensate a student athlete for the commercial use of the student athlete's name, image, or likeness rights in connection with the promotion of athletic events in which the student athlete will or may participate, the promotion of the postsecondary educational institution the student athlete attends, and the promotion of the postsecondary educational institution's intercollegiate athletics or sports program. Further, an institutional marketing associate shall, in the event that a postsecondary educational institution or its intercollegiate athletics program affirmatively grants a request, have the right to utilize a postsecondary educational institution's, or the postsecondary educational institution's intercollegiate athletics program's, content creation and marketing capabilities in connection with services provided for the promotion of athletic events

in which a student athlete will or may participate, the postsecondary educational institution, or the institution's intercollegiate athletics or sports program.

(4) Notwithstanding any rule of an athletic association, athletic conference, or any other organization with authority over varsity intercollegiate athletics, student athletes shall have the right to receive compensation from an institutional marketing associate for the commercial use of their name, image, likeness rights, or athletic reputation, in connection with, among other items, the promotion of athletic events in which the student athlete will or may participate, the promotion of the postsecondary educational institution the student athlete attends, and the promotion of the postsecondary educational institution's intercollegiate athletics or sports program.

~~[6.]~~ **8.** (1) Postsecondary educational institutions that enter into commercial agreements that directly or indirectly require the use of a student athlete's name, image, likeness, or athletic reputation shall ~~[conduct a]~~ **offer at least two workshops per calendar year that may include topics such as financial [development program once per year for their athletes] literacy, life skills, time management, and entrepreneurship.** The workshops may not be offered in the same month and each workshop offered in a calendar year must be unique and not simply a repeat of the other workshop offered that year. The institution shall notify all student athletes of the sessions through the distribution of informational materials via email or other communication methods the institution regularly uses to communicate with student athletes.

(2) ~~[The financial development program]~~ **The educational workshops** shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services. ~~[Such program shall, at a minimum, include information concerning financial aid, debt management, and a recommended budget for student athletes based on the current year's cost of attendance. The workshop shall also include information on time management skills necessary for success as a student athlete and available academic resources.]~~

~~[(3)Postsecondary educational institutions shall help distribute informational materials for such programs as needed.~~

~~(4)Postsecondary educational institutions shall inform their athletes of such program meetings and provide appropriate meeting space.~~

~~7.Student athlete representation shall be by attorneys or agents licensed by this state.-]~~

9. An athletic association, athletic conference, or any other organization with authority over varsity intercollegiate athletics shall not, and shall not authorize its member institutions to:

(1) Prevent a student athlete from receiving compensation for the commercial use of the student athlete's name, image, likeness rights, or athletic reputation under this section;

(2) Penalize a student athlete for receiving compensation for the commercial use of the student athlete's name, image, likeness rights, or athletic reputation under this section;

(3) Prevent a postsecondary educational institution from participating in varsity intercollegiate athletics or otherwise penalize a postsecondary educational institution as a result of a student athlete's receipt of compensation for the student athlete's name, image, likeness rights, or athletic reputation under this section;

(4) Prevent a postsecondary educational institution from establishing agreements with a third party entity to act on its behalf to identify, facilitate, enable, or support student athlete name, image, and likeness activities;

(5) Entertain a complaint, open an investigation, or take any other adverse action against a postsecondary educational institution or any of its employees for engaging in any activity protected under this section;

(6) Penalize a postsecondary educational institution because an institutional marketing associate compensates a student athlete for use of his or her name, image, likeness rights, or athletic reputation, as protected under this section, or if a third party violates the collegiate

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athletic association's rules or regulations with regard to student athlete name, image, or likeness activities.

10. A student athlete shall have the right to obtain professional representation for the purpose of securing compensation for the use of his or her name, image, or likeness without penalty or resulting limitation on participating or effect on the student athlete's athletic grant-in-aid eligibility. Professional representation shall be by attorneys or agents licensed by this state. Any professional representation agreement shall be in writing, be executed by both parties, clearly describe the obligations of the parties, and outline fees for the professional representation.

[8-] 11. (1) Any student athlete may bring a civil action against third parties that violate this section or that interfere with such student athlete's earning or attempting to earn compensation from the use of such student athlete's name, image, likeness rights, or athletic reputation for appropriate injunctive relief or actual damages, or both. Such action shall be brought in the county where the violation occurred, or is about to occur, and the court shall award damages and court costs to a prevailing plaintiff.

(2) Student athletes bringing an action under this section shall not be deprived of any protections provided under law with respect to a controversy that arises and shall have the right to adjudicate claims that arise under this section.

[9-] 12. No legal settlement shall conflict with the provisions of this section.

[10-] 13. This section shall apply only to agreements or contracts entered into, modified, or renewed on or after August 28, 2021. Such agreements or contracts include, but are not limited to, the national letter of intent, an athlete's financial aid agreement, commercial contracts in the athlete group licensing market, and athletic conference or athletic association rules or bylaws.

14. No postsecondary educational institution's employees, including athletics coaching staff, shall be liable for any damages to a student athlete's ability to earn compensation for the use of the student athlete's name, image, or likeness resulting from decisions or actions routinely taken in the course of intercollegiate athletics.

15. This section does not affect the rights of student athletes under Title IX of the Education Amendments of 1971 (20 U.S.C. Section 1681 et seq.).

16. (1) A high school athlete who competes on an interscholastic athletic team in this state that is sponsored by a public school or by a private school whose students compete against a public school's students may earn or attempt to earn compensation from the use of such athlete's name, image, likeness rights, or athletic reputation as provided in this section, subject to the following:

(a) A high school athlete shall have the right to discuss earning or attempting to earn such compensation before signing an athletic letter of intent or other written agreement only when having discussions about potential enrollment with a postsecondary educational institution in this state; and

(b) A high school athlete shall have the right to earn or attempt to earn such compensation only after signing an athletic letter of intent or other written agreement to enroll in a postsecondary educational institution in this state.

(2) The discussion of, or earning or attempting to earn, compensation from the use of such high school athlete's name, image, likeness rights, or athletic reputation as provided in this section shall not be construed to be a violation of any rules and regulations a high school student and high schools are required to follow to maintain and protect a high school athlete's high school eligibility to participate in high school athletics in this state.

205.565. GRANTS FOR CARING COMMUNITIES PROGRAMS. — The department of social services and the department of elementary and secondary education may, subject to appropriation,

use, administer and dispose of any gifts, grants, or in-kind services and may award grants to qualifying entities to carry out the caring communities program.

210.1360. MINORS RECEIVING CHILD CARE, CONFIDENTIALITY OF CERTAIN INFORMATION, EXCEPTIONS. — 1. Any personally identifiable information regarding any child under eighteen years of age receiving child care from any provider or applying for or receiving any services through a state program shall not be subject to disclosure except as otherwise provided by law.

2. This section shall not prohibit any state agency from disclosing personally identifiable information to any governmental entity or its agents, vendors, grantees, and contractors in connection to matters relating to its official duties. The provisions of this section shall not apply to any state, county, or municipal law enforcement agency acting in its official capacity.

3. This section shall not prevent a parent or legal guardian from accessing the parent's or legal guardian's child's records.

Approved July 6, 2023

SCS HCS HBs 802, 807 & 886

Enacts provisions relating to conveyance of state property.

AN ACT to authorize the conveyance of certain state property.

SECTION

- 1 Conveyance of property in Iron County, Missouri, to the State Highways and Transportation Commission.
- 2 Conveyance of property in Christian County, Missouri.
- 3 Conveyance of property in Pike County, Missouri, to the State Highways and Transportation Commission.
- 4 Conveyance of property in the City of Rolla, Phelps County, Missouri.
- 5 Conveyance of property in the City of Kirksville, Adair County, Missouri.
- 6 Conveyance of property in the City of Kirksville, Adair County, Missouri.
- 7 Conveyance of property in the City of St. Louis, Missouri.
- 8 Conveyance of property in the City of Joplin, Jasper County, Missouri.
- 9 Conveyance of property in the City of St. Louis, Missouri.
- 10 Conveyance of property in St. Louis County, Missouri.
- 11 Conveyance of property in the City of St. Louis, Missouri.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION 1. CONVEYANCE OF PROPERTY IN IRON COUNTY, MISSOURI, TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The department of natural resources is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the department of natural resources in real property located in the County of Iron to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

The property being a part of Tract 7 of the Murdock-Crumb Company Subdivision of Section 3, Township 33 North, Range 4 East of the Fifth Principal Meridian, Iron County, Missouri and also being a part of Lot 2 of the Northeast Quarter of said Section 3, lying

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Matter in bold-face type is proposed language.

on the Northerly or left side of the hereinafter-described Rte. 72 surveyed centerline, to wit: All the land of said grantor lying within the following described tract: Beginning at PC Station 129+35.00; thence northwesterly to a point 60.00 feet northerly of and at a right angle to the Rte. 72 surveyed centerline PC Station 129+35.00; thence northeasterly to a point 55.00 feet northerly of and at a right angle to the Rte. 72 surveyed centerline Station 130+53.13; thence northeasterly to a point 85.00 northwesterly of and at a right angle to the Rte. 72 PT Station 131+50.10; thence northeasterly to a point 80.00 feet northwesterly of and at a right angle to the Rte. 72 surveyed centerline PC Station 132+63.50; thence northeasterly to a point 60.00 feet northwesterly of and at a right angle to the Rte. 72 surveyed centerline Station 134+59.76; thence southeasterly to a point 27.06 feet northerly of and at a right angle to the Rte. 72 surveyed centerline Station 135+60.45; thence southeasterly to a point on the hereafter described Rte. 72 surveyed centerline at Station 135+60.45; thence southwesterly along the Rte. 72 surveyed centerline set forth herein, to the Point of Beginning.

The above described land contains 0.74 acres of grantor's land, more or less.

The property being a Part of Tract 7 of the Murdock-Crumb Company Subdivision of Section 3, Township 33 North, Range 4 East of the Fifth Principal Meridian, Iron County, Missouri and also being a part of Lot 2 of the Northeast Quarter of said Section 3, lying on the Southerly or right side of the hereinafter-described Rte. 72 surveyed centerline, to wit: All the land of said grantor lying within the following described tract: Beginning at Station 129+34.70; thence southerly to a point on the existing southerly boundary of Rte. 72, said point being 49.14 feet southerly of and at a right angle to the Rte. 72 surveyed centerline Station 129+34.70; thence easterly to a point 60.75 feet southerly of and at a right angle to the Rte. 72 surveyed centerline Station 130+01.25; thence along the arc of a 8°27'35.3" curve to the left a distance of 267.89 feet to a point 101.36 feet southeasterly of the Rte. 72 surveyed centerline Station 132+49.68, said curve having a back tangent of S 78°55'49" W with a radius of 677.27 feet and a deflection angle of 22°39'46.5"; thence northeasterly to a point 101.10 feet southeasterly of and at a right angle to the Rte. 72 surveyed centerline Station 133+10.27; thence southeasterly to a point 110.38 feet southeasterly of and at a right angle to the Rte. 72 surveyed centerline Station 133+10.78; thence northeasterly to a point 76.72 feet southerly of the Rte. 72 surveyed centerline Station 135+15.77; thence northerly to a point on the hereafter-described Rte. 72 surveyed centerline Station 135+15.77; thence southwesterly along the Rte. 72 surveyed centerline set forth herein, to the Point of Beginning.

The above described land contains 0.07 acres of grantor's land, more or less.

This conveyance includes all the realty rights described in the preceding paragraphs that lie within the limits of land described and recorded with the Iron County Recorder of Deeds in Book 332, Page 002.

The Route 72 surveyed centerline from Station 126+35.00 to Station 140+30.00 is described as follows:

Commencing from a found 3 ½" DNR Aluminum Monument at the Common Corner of Sections 2, 3, 10 and 11, Township 33 North, Range 4 East, said point described by MO PLS No. 2012000096 in MLS Document 600-092366; thence N 12°9'49" W a distance of 5,032.90 feet to the Route 72 surveyed centerline Station 126+35.00 and the Point of Beginning; thence N 72°21'49" E a distance of 300.00 feet to PC Station 129+35.00; thence along the arc of a 8°00'00.0" curve to the left a distance of 215.10 feet to PT Station 131+50.10, said curve having a radius of 716.20 feet and a deflection angle of 17°12'29.4"; thence N 55°09'20" E a distance of 113.4 feet to PC Station 132+63.50; thence along the arc of a 8°00'00.0" curve to the right a distance of 599.52 feet to PT Station 138+63.02,

said curve having a radius of 716.20 feet and a deflection angle of 47°57'41.0"; thence S 76°52'59" E a distance of 166.98 feet to Station 140+30.00 and there terminating.

2. The director of the department of natural resources and the state highways and transportation commission shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The general counsel for the department of natural resources shall approve the form of the instrument of conveyance.

SECTION 2. CONVEYANCE OF PROPERTY IN CHRISTIAN COUNTY, MISSOURI. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in Christian County, Missouri. The property to be conveyed is more particularly described as follows:

The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 26, Township 25, Range 20, and The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) and all of that part of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) lying East of Highway "H", all in Section 27, Township 25, Range 20.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 3. CONVEYANCE OF PROPERTY IN PIKE COUNTY, MISSOURI, TO THE STATE HIGHWAYS AND TRANSPORTATION COMMISSION. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the County of Pike, Missouri, to the state highways and transportation commission. The real property to be conveyed is an irregular tract of land located in a part of Lots 13 and 14 of Jas. Mosley's Estate Subdivision of the SE $\frac{1}{4}$ Sec. 23, Twp. 53 N. R. 3 W., Pike County, Missouri, and is more particularly described as follows:

Beginning at a point in the center of a public road and which point is the NW. corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 23, and which point is on the southerly right of way line of a state road known as U.S. Route #54, Pike County, Missouri; thence run south on the west line of the SE $\frac{1}{4}$ said Section 23 a distance of 338 feet; thence run east on a line parallel to the north line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 23 a distance of 256 feet to intersect the westerly right of way fence line of the St. Louis and Hannibal Railroad Company; thence meander in a northerly direction along said right of way fence line a distance of 455 feet to intersect the south right of way line of U.S. Highway #54; thence run on a bearing south 46 deg. 52 min. west 118 feet to intersect the west line SE $\frac{1}{4}$ said Section 23 at the point of beginning. Hereinabove described tract of land contains 1 $\frac{8}{10}$ acres more or less.

2. The office of administration and the state highways and transportation commission shall set the terms and conditions for the conveyance, including the consideration, except that such consideration shall not exceed one dollar. Such terms and conditions may include, but are not limited to, the number of appraisals required, and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 4. CONVEYANCE OF PROPERTY IN THE CITY OF ROLLA, PHELPS COUNTY, MISSOURI. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property

located in the City of Rolla, Phelps County, Missouri. The property to be conveyed is more particularly described as follows:

A fractional part of Lot 119 of the Railroad Addition in Rolla, Missouri, and more particularly described as follows: Commencing at the Northwest Corner of said Lot 119; thence South 0°43' West, 30.00 feet to the South line of Gale Drive; thence North 88°53' East, 311.92 feet along said South street line; thence South 0° 52' West, 325.00 feet; thence North 88°53' East, 109.10 feet to the true point of beginning of the tract hereinafter described: Thence North 88°53' East, 10.00 feet to the northwest corner of a parcel described in Phelps County Deed Records at Document No. 2017-4361; thence South 0°52' West, 241.19 feet along the West line of said Document No. 2017-4361 parcel to its southwest corner; thence South 89°07' West, 10.00 feet; thence North 0°52' East, 241.19 feet to the true point of beginning. Description derived from survey recorded in Phelps County Surveyor's records in Book "I" at Page S-6038, dated August 30th, A.D. 1982, made by Elgin & Associates, Engineers & Surveyors, Rolla, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 5. CONVEYANCE OF PROPERTY IN THE CITY OF KIRKSVILLE, ADAIR COUNTY, MISSOURI. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of Kirksville, Adair County, Missouri. The property to be conveyed is more particularly described as follows:

All of Block 39 of the Original Town (Now City) of Kirksville, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 6. CONVEYANCE OF PROPERTY IN THE CITY OF KIRKSVILLE, ADAIR COUNTY, MISSOURI. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of Kirksville, Adair County, Missouri. The property to be conveyed is more particularly described as follows:

Part of the Northwest Fourth (NW1/4) of the Northeast Quarter (NE1/4) Section 16 Township 62 Range 15 Adair County, Missouri, beginning at a point Six Hundred Twenty-nine and One-half (629 1/2) feet South and Twenty (20) feet East of the Northwest (NW) Corner of said Forty acre tract, and running thence East Two Hundred Twenty-five (225) feet, thence South One Hundred (100) feet, thence West Two Hundred Twenty-five (225) feet, thence North One Hundred (100) feet to place of beginning;

Also, part of the Northwest Fourth (NW1/4) of the Northeast Quarter (NE1/4) Section 16 Township 62 Range 15 Adair County, Missouri, beginning at a point Six Hundred Twenty-nine and One-half (629 1/2) feet South and Two Hundred Forty-five (245) feet East of the Northwest (NW) Corner of said Forty acre tract, and running thence East Four Hundred Forty-eight (448) feet, more or less, to the West line of Florence Street, thence South Fifty-one (51) feet Four (4) inches, thence West Four Hundred Forty-eight (448) feet, thence North Fifty-one (51) feet Four (4) inches to beginning; subject to Right-of-Way for highway across Southwest Corner thereof.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 7. CONVEYANCE OF PROPERTY IN THE CITY OF ST. LOUIS, MISSOURI — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of St. Louis, Missouri. The property to be conveyed is more particularly described as follows:

A tract being part of Lot 1 of Chouteau-Compton subdivision no. 2, in City Block 2235, City of St. Louis, Missouri, recorded in book 07032006, page 109 of the City of St. Louis Recorder's Office, being more particularly described as follows:

Beginning at a point Thirty (30) feet right of and at right angle to Compton Avenue Centerline Station 2+71.07, said point being on the East line of Compton Avenue, thence on said East line of Compton Avenue, North Fourteen (14) degrees Thirty-seven (37) minutes Forty-six (46) seconds East, basis of bearing grid North, Three Hundred Fifty-four and Thirteen-hundredths (354.13) feet to a point Thirty (30) feet right of and at right angle to Compton Avenue Centerline Station 6+25.20; thence leaving said East line of Compton Avenue, South Sixty-five (65) degrees Forty-five (45) minutes Forty-three (43) seconds East Twenty and Twenty-eight-hundredths (20.28) feet to a point Fifty (50) feet right of and at a right angle to Compton Avenue Centerline Station 6+21.81; thence South Fourteen (14) degrees Thirty-seven (37) minutes Forty-six (46) seconds West Three Hundred Fifty and Seventy-five-hundredths (350.75) feet to a point Fifty (50) feet right of and at right angle to Compton Avenue Centerline Station 2+71.07; thence North Seventy-five (75) degrees Twenty-two (22) minutes Twenty-two (22) seconds West Twenty (20) feet to the point of beginning, and contains Seven Thousand Forty-nine (7,049) square feet, more or less.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 8. CONVEYANCE OF PROPERTY IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of Joplin, Jasper County, Missouri, to the Joplin School District. The property to be conveyed is more particularly described as follows:

Commencing at the Southeast corner of the Northwest One Quarter (NW ¼) of the Southwest One Quarter (1/4) of Section 10, Township 27 North, Range 33 West, Jasper County, Missouri, thence North along the East line of said forty acres 328.2 ft., thence West 10.0 ft. to the point of beginning, then West 208.72 ft., thence North 208.71 ft., then East 208.71 ft., thence South 208.71 ft. to the point of beginning, containing one acre.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 9. CONVEYANCE OF PROPERTY IN THE CITY OF ST. LOUIS, MISSOURI — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release,

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Matter in bold-face type is proposed language.

and forever quitclaim all interest of the state of Missouri in property located in the City of St. Louis, Missouri. The property to be conveyed is more particularly described as follows:

Legal Description from Quit Claim Deed between the Land Reutilization Authority, City of St. Louis and the State of Missouri. Dated 10-3-1996

PARCEL NO. 1:

The Southern part of Lot 1 of HUTCHINSON'S THIRD ADDITION and in Block 3558 of the City of St. Louis, fronting 53 feet 5-1/2 inches on the East line of Newstead Avenue, by a depth Eastwardly of 202 feet 11-1/4 inches along the North line of Carrie Avenue to the West line of Lot 2 and having a width along the West line of said Lot 2 of 50 feet. Together with all improvements thereon, if any, known as and numbered 4443 N. Newstead Avenue and also known as parcel 3558-00-01100.

PARCEL NO. 2:

Lot 11 in Block 1 of HUTCHINSON'S ADDITION and in Block 3559 of the City of St. Louis, fronting 50 feet on the Northwest line of Pope Avenue, by a depth Northwest of 155 feet to the Southeast line of Lot 16 of said block and addition. Together with all improvements thereon, if any, known as and numbered 4521 Pope Avenue and also known as parcel 3559-00-02600.

PARCEL NO. 3:

The Northern 1/2 of Lot 12 in Block 1 of HUTCHINSON'S ADDITION and in Block 3559 of the City of St. Louis, fronting 25 feet on the West line of Pope Avenue, by a depth Westwardly of 155 feet to the dividing line of said Block. (Pope Avenue is now treated as running North and South).

The Southern half of Lot No. 12, partly in Block No. 1 of HUTCHINSON'S SUBDIVISION of the SHREVE TRACT, and partly in HUTCHINSON'S THIRD SUBDIVISION and in Block No. 3559 of the City of St. Louis, fronting 25 feet on the West line of Pope Avenue, by a depth Westwardly of 155 feet to the West line of said Lot. (Pope Avenue is now treated as running North and South). Together with all improvements thereon, if any, known as and numbered 4515-17 Pope Avenue and also known as parcel 3559-00-02710.

PARCEL NO. 4:

The Northern 1/2 of Lot No. 13, partly in Block No. 1 of HUTCHINSON'S ADDITION and partly in HUTCHINSON'S THIRD SUBDIVISION and in Block No. 3559 of the City of St. Louis, fronting 25 feet on the West line of Pope Avenue, by a depth Westwardly between parallel lines of 155 feet to the dividing line of said Block. (Pope Avenue is now treated as running North and South). Together with all improvements thereon, if any, known as and numbered 4511 Pope Avenue and also known as parcel 3559-00-02900.

PARCEL NO. 5:

The Southern 1/2 of Lot No. 13 in Block No. 1 of HUTCHINSON'S SUBDIVISION and in Block No. 3559 of the City of St. Louis, having a front of 25 feet on the West line of Pope Avenue, by a depth Westwardly of 155 feet to the dividing line of said Block. Together with all improvements thereon, if any, known as and numbered 4509 Pope Avenue and also known as parcel 3559-00-03000.

PARCEL NO. 6:

Lot No. 14 in Block No. 3559 of the City of St. Louis, lying partly in HUTCHINSON'S THIRD SUBDIVISION and partly in Block No. 1 of HUTCHINSON'S ADDITION, fronting 93 feet 1-3/4. inches on the North line of Pope Avenue, by a depth Northwardly of 165 feet 81/2 inches on the West line and 155 feet on the East line to the North line of said lot, on which there is a width of 30 feet 2-1.2 inches; bounded West by Newstead

Avenue. Together with all improvements thereon, if any, known as and numbered 4501-03 Pope Avenue and also known as parcel 3559-00-03100.

PARCEL NO. 7:

Lots No. 15 and 16 in HUTCHINSON'S ADDITION and in Block 3559 of the City of St. Louis, beginning in the East line of Newstead Avenue at the Southwest corner of said Lot 15, thence North along the East line of Newstead Avenue 165 feet 8-1/2 inches to Carrie Avenue, thence Northeast along Carrie Avenue 117 feet 3-1/2 inches to the Northeast corner of said Lot 16, thence Southeast 155 feet to the Southeast corner of said Lot 16, thence Southwest 180 feet 2-12 inches to the point of beginning. Together with all improvements thereon, if any, known as and numbered 4431 No. Newstead Avenue and also known as parcel 3559-00-03200.

Legal Description from Quit Claim Deed between the Health and Educational Facilities Authority and the State of Missouri. Dated 9-16-1993.

PARCEL 1:

Lots numbered 1, 2, 3, 4, 5 and 9 of HUTCHINSON'S 3RD SUBDIVISION in the Shreve Tract and in BLOCK 4417 of the City of St. Louis, being more particularly described as follows: Beginning at the intersection of the North line of Carter Avenue and the West line of Newstead Avenue; thence Northwardly along the West line of Newstead Avenue 190 feet to an angle in said street; thence Northwardly still following said West line of Newstead Avenue 209 feet 10-3/4 inches to the corner of Lot 8; thence Southwestwardly along the line between Lots 8 and 9, a distance of 180 feet 0-1/2 inch to the North line of Lot 3; thence Westwardly along the north line of Lots 3, 4 and 5, a distance of 500 feet to a point in the East line of Taylor Avenue; thence Southwardly along the East line of Taylor Avenue 369 feet 4-1/2 inches to the North line of Carter Avenue; thence Eastwardly along the North line of Carter Avenue 801 feet 2-1/2 inches to the West line of Newstead Avenue and the place of beginning.

PARCEL 2:

Lots 7 and 8 of HUTCHINSON'S 3RD SUBDIVISION in the Shreve Tract and in BLOCK 4417 of the City of St. Louis, together fronting 225 feet 1-1/2 inches on the West line of Newstead Avenue, by a depth Westwardly on the North line of Lot 7 of 283 feet 4-1/2 inches and on the South line of Lot 8 a distance of 180 feet 1/2 inch; bounded North by Lot 6 and South by Lot 9 and on the West by Lots 3 and 4 of said subdivision.

PARCEL 3:

Part of Lot 6 of HUTCHINSON'S 3RD SUBDIVISION in the Shreve Tract and in BLOCK 4417 of the City of St. Louis, beginning at a point in the East line of an alley, 181 feet South of the South line of Newstead Avenue; thence Southwardly along the East line of said alley, 183 feet 9 inches to the south line of Lot 6; thence Eastwardly along the South line of said Lot, 157 feet 6 inches to the West line of Lot 7; thence Northwardly along the West line of Lot 7 183 feet 9 inches to a point 99 feet 7-1/2 inches South of the South line of Newstead Avenue; thence Westwardly 157 feet 6 inches to the East line of said alley and the point of beginning.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 10. CONVEYANCE OF PROPERTY IN ST. LOUIS COUNTY, MISSOURI. — 1 The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release,

and forever quitclaim all interest of the state of Missouri in property located in St. Louis County, Missouri. The property to be conveyed is more particularly described as follows:

A tract of land located in U.S. Survey 3341, Township 44 North, Ranges 6 and 7 East of the 5th P.M., more particularly described as follows: Commencing at the Northeast Corner of St. Bernadette Subdivision, St. Louis County, Missouri; thence North 70°52'40" West, 213.38 feet along the centerline of Sherman Avenue to its intersection with the centerline of Worth Road (aka Gregg Road), also being the southernmost corner of Parcel A as described in St. Louis County Deed Records at Book 8412, Page 545; thence North 19°06'20" East, 110.00 feet along said centerline of Worth Road (aka Gregg Road) and along the easterly line of said Parcel A to its easternmost corner, the true point of beginning of the hereinafter described tract: Thence North 70°53'10" West, 250.12 feet along the northerly line of said Parcel A to its northernmost corner, also being a point on the centerline of Randolph Street; thence North 19°02'30" East, 182.89 feet along said centerline of Randolph Street to its projected intersection with the centerline of Randolph Place; thence North 10°48'20" East, 85.08 feet to the southwest corner of Parcel B as described in St. Louis County Deed Records at the aforesaid Book 8412, Page 545; thence South 70°52'40" East, 262.25 feet along the southerly line of said Parcel B to its southeast corner, also being a point on the aforesaid centerline of Worth Road (aka Gregg Road); thence South 19°01'40" West, 267.03 feet along said centerline to the true point of beginning. Above described tract contains 1.54 acre, more or less, per plat of survey J-576, revised June 20, 2018, by Archer-Elgin Surveying and Engineering, LLC.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 11. CONVEYANCE OF PROPERTY IN THE CITY OF ST. LOUIS, MISSOURI. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of St. Louis, Missouri. The property to be conveyed is more particularly described as follows:

Parcel 1: Parcel 1: A Lot in Block No. 183 of the City of St. Louis, fronting 108 feet on the East line of Eighth Street, by a depth Eastwardly of 127 feet 6 inches to an alley; bounded North by Pine Street and South by another alley.

Parcel 1: Parcel 2: A Lot in Block No. 183 of the City of St. Louis, fronting 42 feet 6 inches on the North line of Chestnut Street, by a depth Northwardly of 114 feet to an alley; bounded West by Eighth Street and on the East by property now or formerly of Liggett Realty Company.

Parcel 2: A Lot in Block No. 183 of the City of St. Louis, having a front of 42 feet 6 inches on the North line of Chestnut Street, by a depth Northwardly between parallel lines of 114 feet to an alley; bounded West by a line parallel with and distant 42 feet 6 inches East of the East line of Eighth Street.

Parcel 3: A Lot in Block No. 183 of the City of St. Louis, fronting 30 feet on the South line of Pine Street, by a depth Southwardly of 107 feet 10 inches to an alley; bounded on the East by Seventh Street and the West by property now or formerly of Dubinsky Realty Company.

Parcel 4: Parcel 1: A Lot in Block 183 of the City of St. Louis, fronting 21 feet 3 inches on the North line of Chestnut Street by a depth Northwardly of 114 feet to an alley, bounded East by an alley, West by a line 106 feet 3 inches East of the East line of Eighth Street.

Parcel 4: Parcel 2: A Lot in Block No. 183 of the City of St. Louis, fronting 21 feet 3 inches on the North line of Chestnut Street, by a depth Northwardly of 114 feet between parallel lines to an alley; bounded West by a line 85 feet East of the East line of Eighth Street.

Parcel 5: A Lot in City Block 183 of the City of St. Louis, fronting 127 feet 6 inches on the North line of Chestnut Street by a depth Northwardly of 114 feet to an alley; bounded East by Seventh Street and West by an alley.

Parcel 6: Lot in Block 183 of the City of St. Louis fronting 48 feet 9 inches on the South line of Pine Street by a depth Southwardly of 107 feet 10 inches, more or less, to an alley, bounded East by a line 78 feet 9 inches West of the West line of 7th Street or property now or formerly of Henry C. Haarstick and West by an alley.

Parcel 7: A Lot in Block 183 of the City of St. Louis fronting 48 feet 9 inches on the South line of Pine Street by a depth Southwardly of 107 feet 10 inches to an alley 12 feet wide; bounded East by a line distant 30 feet West of the West line of Seventh Street.

And that adjoining portion of alley vacated by Ordinance No. 56979 in the City of St. Louis Records. (applies to all parcels)

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

Approved July 6, 2023

SCS SB 13

Enacts provisions relating to the regulation of certain financial institutions, with existing penalty provisions.

AN ACT to repeal sections 361.020, 361.098, 361.160, 361.260, 361.262, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, 408.145, and 408.500, RSMo, and to enact in lieu thereof fourteen new sections relating to the regulation of certain financial institutions, with existing penalty provisions.

SECTION

- A Enacting clause.
- 361.020 Powers of division.
- 361.098 Board members, compensation — quorum of board — meetings — seal.
- 361.106 Bulletins and industry letters — definitions — issued when — written request, contents — confidentiality — publication of letters, when.
- 361.160 Examination of banks and trust companies.
- 361.260 Violations, director to serve written notice of charges — hearing, temporary orders, when — orders set aside, procedure — penalty.
- 361.262 Removal or suspension from office, grounds — written notice of intention, effective when — served on whom.
- 361.715 License issued upon investigation, when — fee — charge for applications to amend and reissue.
- 364.030 Financial institutions to obtain license, exceptions — application — fee.
- 364.105 Registration required — fee — forms.
- 365.030 Sales finance company, license required — exceptions — application — fee.
- 367.140 Annual registration — fee, amount — certificates, issuance, display.
- 407.640 Registration statements, filing, contents, fee.
- 408.145 Credit cards issued in contiguous states, terms and conditions — definitions.
- 408.500 Unsecured loans of five hundred dollars or less, licensure of lenders, interest rates and fees allowed — penalties for violations — cost of collection expenses — notice required, form — cease and desist order issued, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 361.020, 361.098, 361.160, 361.260, 361.262, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, 408.145, and 408.500, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 361.020, 361.098, 361.106, 361.160, 361.260, 361.262, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, 408.145, and 408.500, to read as follows:

361.020. POWERS OF DIVISION. — 1. The division of finance shall have charge of the execution of the laws relating to banks, trust companies, and the banking business of this state; ~~[credit unions; and]~~ of the laws relating to persons~~], copartnerships and corporations]~~ and entities engaged in the small loan or consumer credit business in this state; of the laws relating to persons and entities engaged in the mortgage loan business in this state; and of the laws relating to persons and entities engaged in any other financial services related business over which the division of finance is granted express authority.

2. The director of finance may institute, in the name of the state of Missouri, and defend suits in the courts of this state and the United States.

361.098. BOARD MEMBERS, COMPENSATION — QUORUM OF BOARD — MEETINGS — SEAL. — 1. The members of the state banking and savings and loan board shall receive as compensation for their services the sum of one hundred dollars per day while discharging their duties, and shall be entitled to receive their necessary traveling and other expenses incurred while actually engaged in the performance of their duties as such members, which shall be paid out of the division of finance fund.

2. ~~[A majority of the members]~~ Any three members of the board shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the board.

3. The board may meet and exercise its powers in any place in this state and shall meet at any time upon the call of its chairman or of the director of the division of finance or of any two members of the board.

4. The board shall have an official seal bearing the inscription, "State Banking and Savings and Loan Board of the State of Missouri", which shall be judicially noticed.

5. The division of finance may provide administrative services to the board to assist the board with fulfilling its statutory responsibilities.

361.106. BULLETINS AND INDUSTRY LETTERS — DEFINITIONS — ISSUED WHEN — WRITTEN REQUEST, CONTENTS — CONFIDENTIALITY — PUBLICATION OF LETTERS, WHEN. — 1. For purposes of this section, the following terms mean:

(1) "Bulletin", an informal written communication to inform or educate individuals or entities licensed, chartered, or regulated by the division of finance and the general public about a regulatory topic or issue. A bulletin is informational in nature and is not an evaluation of specific facts and circumstances;

(2) "Industry letter", a written communication from the director of finance in response to a specific individual or entity chartered, licensed, or regulated by the division of finance, and that provides the division of finance's position on a particular regulatory topic or issue with respect to a specific set of facts and circumstances.

2. Notwithstanding any other provision of law to the contrary, the director of finance may at his or her discretion issue bulletins addressing the business of the individuals and entities licensed, chartered, or regulated by the division in this state. Bulletins do not have the force or effect of law and shall not be considered statements of general applicability that would require promulgation by rule.

3. Notwithstanding any other provision of law to the contrary, the director of finance may at his or her discretion issue industry letters in response to a written request from an individual or entity licensed, chartered, or regulated by the division, and that seeks the division's position on an application of law. In addition to any materials or information requested by the division, the written request shall include:

(1) A brief summary of the applicable laws and rules that pertain to the request;

(2) A detailed factual representation concerning every relevant aspect of the proposed business activity or activities, transaction, event, or circumstance;

(3) A discussion of current statutes, rules, and legal principles relevant to the facts set forth;

(4) A statement by the person requesting the industry letter of the person's own opinion in the matter and the basis for such opinion; and

(5) A representation that the proposed business or transaction in question have not commenced or, if they have commenced, the present status of the proposed business or transaction.

4. With respect to the requesting party, an industry letter is binding on the division, and the requesting party shall not be subject to any administrative proceeding or penalty for any acts or omissions done in reliance on an industry letter, so long as there is no change in any material fact or law or the discovery of a material misrepresentation or omission made by the requesting party.

5. An industry letter request and response shall be confidential, but a resulting industry letter, if published by the director, may contain non-identifying facts and information derived from the request.

6. After redacting all identifying information, the director may publish industry letters for informational purposes. Because the division may have a different position in response to similar but non-identical facts and circumstances, published industry letters do not have the force or effect of law, are not binding on the division, and shall not be considered statements of general applicability that would require promulgation by rule.

7. Industry letters issued under this section are distinct from letters issued by the director under subdivision (5) of section 362.106, which shall be governed by that section.

361.160. EXAMINATION OF BANKS AND TRUST COMPANIES. — 1. The director of finance at least once each year, either personally or by a deputy or examiner appointed by the director, shall visit and examine every bank and trust company organized and doing business under the laws of this state, and every other corporation which is by law required to report to the director; except, for banks or trust companies receiving a Camel/MOECA 1 or Camel/MOECA 2 rating from the division of finance, the director of finance at least once each eighteen calendar months, or for a private trust company at least once each thirty-six months, either personally or by a deputy or examiner appointed by the director, shall visit and examine such bank or trust company, and the director of finance, at the director's discretion, may conduct the director's examination, or any part thereof, on the basis of information contained in examination reports of other states, the Federal Deposit Insurance Corporation or the Federal Reserve Board or in audits performed by certified public accountants. For purposes of this subsection, a private trust company is one that does not engage in trust company business with the general public or otherwise hold itself out as a trustee or fiduciary for hire by advertising, solicitation, or other means and instead operates for the primary benefit of a family, relative of same family, or single family lineage, regardless of whether compensation is received or anticipated. The director shall be afforded prompt and free access to any workpapers upon which a certified public accountant bases an audit. A certified public accountant shall retain workpapers for a minimum of three years after the date of issuance of the certified public accountant's report to the bank or trust company. The director or the director's agent may concentrate the examinations on institutions which the director believes have safety or soundness concerns.

2. The director, or the deputy or examiners designated by the director for that purpose, shall have power to examine any such corporation whenever, in the director's judgment, it may be deemed necessary or expedient, and shall have power to examine every agency located in this state of any foreign banking corporation and every branch in this state of any out-of-state bank, for the purpose of ascertaining whether it has violated any law of this state, and for such other purposes and as to such other matters as the director may prescribe.

3. The director and the director's deputy and examiners shall have power to administer oaths to any person whose testimony may be required in such examination or investigation of any such corporation or agency, and to compel the appearance and attendance of any person for the purpose of any such examination or investigation.

4. On every such examination inquiry shall be made as to the condition and resources of such corporation, the mode of conducting and managing its affairs, the actions of its directors or trustees, the investment of its funds, the safety and prudence of its management, the security afforded to its creditors, and whether the requirements of its charter and of law have been complied with in the administration of its affairs, and as to such other matters as the director may prescribe.

5. The director may also make such special investigations as the director deems necessary to determine whether any individual or corporation has violated any of the provisions of this law.

6. Such examination may be made and such inquiry instituted or continued in the discretion of the director after the director has taken possession of the property and business of any such corporation,

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Matter underscored is proposed language.

until it shall resume business or its affairs shall be finally liquidated in accordance with the provisions of this chapter.

7. The result of each examination shall be certified by the director or the examiner upon the records of the corporation examined [and the result of all examinations during the biennial period shall be embodied in the report to be made by the director of the department of commerce and insurance to the legislature].

8. The director may contract with regulators in other states to provide for the examination of Missouri branches of out-of-state banks and branches of banks whose home state is Missouri. The agreements may provide for the payment by the home state of the cost of examinations conducted by the host state at the request of the home state regulators.

361.260. VIOLATIONS, DIRECTOR TO SERVE WRITTEN NOTICE OF CHARGES — HEARING, TEMPORARY ORDERS, WHEN — ORDERS SET ASIDE, PROCEDURE — PENALTY. — 1. Whenever the director shall have reason to believe that the capital stock of any corporation subject to the provisions of this chapter is reduced by impairment or otherwise, below the amount required by law, or by its certificates or articles of agreement, [he] the director shall issue a notice of charges in respect thereof.

2. Whenever [it shall appear to the director,] the director has reason to believe from any examination or investigation made by [him] the director or his or her examiners, that any corporation subject to the provisions of this chapter, or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation, or any foreign corporation licensed by the director to do business under this chapter or chapter 362 is engaging in [or], has engaged in, or [there is reasonable cause to believe that the corporation or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation is about to engage in,] is about to engage in:

(1) An unsafe or unsound practice in conducting the business of such corporation [or is violating or has violated, or there is reasonable cause to believe that the corporation or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation is about to violate];

(2) A violation of law, rule, or director-imposed written condition [imposed, in writing, by the director in connection with the granting of any application or other request by the corporation or];

(3) A violation of any written agreement entered into with the director[.]; or

(4) A violation of the corporation's charter,

the director may issue and serve upon the corporation or such director, officer, employee, agent, or other person a notice of charges in respect thereof.

3. Whenever it shall appear to the director that any corporation subject to the provisions of this chapter does not keep its books and accounts in such manner as to enable him or her readily to ascertain its true condition or that wrong entries or unlawful uses of the funds of the corporation have been made, the director may issue and serve upon the corporation or any appropriate director, officer, employee, agent, or other person a notice of charges in respect thereof.

4. The notice of charges shall contain a statement of the facts constituting the deficiencies, [the] alleged violation or violations, improper use of funds, or [the] unsafe or unsound practice or practices, and shall fix a time and place at which a contested hearing will be held to determine whether an order to cease and desist therefrom should [issue] be issued against the corporation or the director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation.

5. In the event the party or parties so served shall fail to appear at the hearing, or shall consent to the cease and desist order, or in the event the director shall find that the fact of any deficiency, violation, unsafe or unsound practice, inadequate recordkeeping, or improper use of funds specified has been established, the director may issue and serve upon the corporation or the director, officer, employee,

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agent, or other person participating in the conduct of the affairs of the corporation an order to cease and desist from the actions, violations, or practices charged.

6. The cease and desist order:

(1) May require the corporation or its directors, officers, employees, agents, and other persons participating in the conduct of the affairs of such corporation to cease and desist from ~~[same and,] such actions, violations, or practices:~~

(2) ~~[Further,] May require the corporation or its directors, officers, employees, agents, or other persons participating in the conduct of the affairs of such corporation to take affirmative action to correct the conditions resulting from any such actions, violations, or practices[. If the director determines that the capital of the corporation is impaired,];~~

(3) ~~[The order] Shall require that, if the director determines that the capital of the corporation is impaired, the corporation make good the deficiency forthwith or within a time specified in the order[.];~~

(4) ~~May, if the director determines that the corporation does not keep adequate records, [the order may] determine and prescribe such books of account as the director, in his discretion, shall require of the corporation for the purpose of keeping accurate and convenient records of the transactions and accounts[.]; and~~

(5) ~~Shall, if the director [shall determine] determines that wrong entries or unlawful uses of the funds of the corporation have been made, [he shall] order that the entries shall be corrected, and the sums unlawfully paid out restored by the person or persons responsible for the wrongful or illegal payment thereof.~~

~~[6.] 7. If a notice of charges served under this section specifies, on the basis of particular facts and circumstances, that a corporation's books and records are so incomplete or inaccurate that the director is unable, through the normal supervisory process, to determine the financial condition of that corporation or the details or purpose of any transaction or transactions that may have a material effect on the financial condition of that corporation, the director may issue a temporary order requiring the cessation of any activity or practice which gave rise, whether in whole or in part, to the incomplete or inaccurate state of the books or records, or affirmative action to restore such books or records to a complete and accurate state, until the completion of the proceedings under this section. Any temporary order issued under this subsection shall become effective upon service and, unless set aside, limited or suspended by a court, shall remain in effect and enforceable until the earlier of the completion of the proceedings initiated under this section or the date on which the director determines by examination or otherwise that the corporation's books and records are accurate and reflect the financial condition of the corporation.~~

~~[7.] 8. Whenever it shall appear to the director that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the corporation or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation pursuant to subsection 4 of this section, or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the corporation, or is likely to weaken the condition of the corporation or otherwise prejudice the interests of its depositors prior to the completion of the proceedings conducted pursuant to said subsection, the director may issue a temporary order, effective immediately, requiring the corporation or such director, officer, employee, agent, or other person to cease and desist from any such violation or practice and to take affirmative action to prevent such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the director shall dismiss the charges specified in such notice or if a cease and desist order is issued against the corporation or such director, officer, employee, agent, or other person, until the effective date of such order. The corporation, director, officer, employee, agent, or other person may, within ten days after having been served with a temporary cease~~

and desist order, apply to the circuit court of Cole County for an order setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order.

[8.] 9. If any corporation, or any director, officer, employee, agent, or other person participating in the conduct of the affairs of such corporation shall fail or refuse to comply with any duly issued order provided for in this chapter and chapter 362, the corporation or such director, officer, employee, agent, or other person shall pay a civil penalty of not more than one thousand dollars per day for each day the failure or refusal shall continue. The penalty shall be assessed and collected by the director of the division. In determining the amount of the penalty, the director shall take into account the appropriateness of the penalty with respect to the size of the financial resources and good faith of the corporation or person charged, the gravity of the violation, the history of previous violations, and such other matters as justice may require. In addition to the penalty, the director may, in his or her discretion, report the delinquency to the attorney general, with a request that [he] the attorney general proceed as provided in section 361.270, and in the event of such request, the attorney general shall proceed.

361.262. REMOVAL OR SUSPENSION FROM OFFICE, GROUNDS — WRITTEN NOTICE OF INTENTION, EFFECTIVE WHEN — SERVED ON WHOM. — 1. Whenever it shall appear to the director, from any examination or investigation made by [him] the director or [his] the director's examiners, that:

(1) Any director, officer, or any other person participating in the conduct of the affairs of a corporation subject to this chapter has [committed any violation of]:

(a) Violated a law or regulation [or of];

(b) Violated a cease and desist order, or has];

(c) Violated any director-imposed written condition [imposed in writing by the director] in connection with the grant of any application or other request by such corporation [or];

(d) Violated any written agreement between such corporation and the director, or has];

(e) Engaged or participated in any unsafe or unsound practice in connection with the corporation,]; or [has]

(f) Committed or engaged in any act, omission, or practice [which] that constitutes a breach of his or her fiduciary duty to the corporation,]; and

(2) The director determines that:

(a) The corporation has suffered or will probably suffer financial loss or other damage [or that];

(b) The interests of its depositors, beneficiaries, or other customers could be prejudiced by reason of such violation or practice or breach of fiduciary duty,]; or [that]

(c) The director or officer or other person has received financial gain by reason of such violation or practice or breach of fiduciary duty,]; and

(3) The director determines that such violation or practice or breach of fiduciary duty is:

(a) One involving personal dishonesty on the part of such director, officer or other person,]; or

(b) One [which] that demonstrates a willful or continuing disregard for the safety or soundness of the corporation,];

the director may serve upon such director, officer, or other person a written notice of [his] the director's intention to remove him or her from office.

2. When it shall appear from any examination or investigation to the director [from any examination made by him or his examiners] that any director or officer of a corporation subject to this chapter, by conduct or practice with respect to another such corporation or any business [institution which] that:

(1) Resulted in financial loss or other damage, [has];

(2) Evidenced either:

(a) His or her personal dishonesty; or

(b) A willful or continuing disregard for its safety and soundness; and [, in addition, has]

(3) Evidenced his or her unfitness to continue as a director or officer, [and whenever it shall appear to the director that any other person participating in the conduct of the affairs of a corporation subject to this chapter, by conduct or practice with respect to such corporation or other corporation or other business institution which resulted in financial loss or other damage, has evidenced either his personal dishonesty or willful or continuing disregard for its safety and soundness and, in addition, has evidenced his unfitness to participate in the conduct of the affairs of such corporation,]

the director may serve upon such director[,], or officer[, or other person] a written notice of intention to remove him or her from office or to prohibit his or her further participation in any manner in the conduct of the affairs of the corporation or from any other banking, savings, or trust institution supervised by the director.

3. When it shall appear from any examination or investigation to the director that any person participating in the conduct of the affairs of a corporation subject to this chapter, by conduct or practice with respect to such corporation or other corporation or other business institution that:

(1) Resulted in financial loss or other damage, has

(2) Evidenced either:

(a) His or her personal dishonesty; or

(b) A willful or continuing disregard for its safety and soundness; and

(3) Evidenced his or her unfitness to participate in the conduct of the affairs of such corporation.

the director may serve upon such person a written notice of intention to remove him or her from office or to prohibit his or her further participation in any manner in the conduct of the affairs of the corporation or from any other banking, savings, or trust institution supervised by the director.

4. Whenever it shall appear to the director to be necessary for the protection of any corporation or its depositors, [he] beneficiaries, or other customers, the director may, by written notice to such effect served upon any director, officer, or other person referred to in [subsection 1 or 2] subsections 1 to 3 of this section, suspend him or her from office or prohibit him or her from further participation in any manner in the conduct of the affairs of the corporation. Such suspension or prohibition shall become effective upon service of such notice and shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under [subsection 1 or 2] subsections 1 to 3 of this section and until such time as the director shall dismiss the charges specified in such notice or, if an order of removal or prohibition is issued against the director or officer or other person, until the effective date of any such order. Copies of any such notice shall also be served upon the corporation of which he or she is a director or officer or in the conduct of whose affairs he or she has participated.

[4.] 5. Except as provided in subsection [5] 6 of this section, any person who, pursuant to an order issued under this section, has been removed or suspended from office in a corporation or prohibited from participating in the conduct of the affairs of a corporation may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in, the conduct of the affairs of any other corporation subject to the provisions of this chapter.

[5.] 6. If, on or after the date an order is issued under this section [which] that removes or suspends from office any person or prohibits such person from participating in the conduct of the affairs of a corporation, such party receives the written consent of the director, subsection [4] 5 of this section shall, to the extent of such consent, cease to apply to such person with respect to the [corporation] terms and conditions described in the written consent and the director shall publicly disclose such consent. Any violation of subsection [4] 5 of this section by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

361.715. LICENSE ISSUED UPON INVESTIGATION, WHEN — FEE — CHARGE FOR APPLICATIONS TO AMEND AND REISSUE. — 1. Upon the filing of the application, the filing of a

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Matter underscored is proposed language.

certified audit, the payment of the investigation fee and the approval by the director of the necessary bond, the director shall cause, investigate, and determine whether the character, responsibility, and general fitness of the principals of the applicant or any affiliates are such as to command confidence and warrant belief that the business of the applicant will be conducted honestly and efficiently and that the applicant is in compliance with all other applicable state and federal laws. If satisfied, the director shall issue to the applicant a license pursuant to the provisions of sections 361.700 to 361.727. In processing a renewal license, the director shall require the same information and follow the same procedures described in this subsection.

2. Each licensee shall pay to the director before the issuance of the license, and annually thereafter on or before April fifteenth of each year, a license fee of ~~[three]~~ four hundred dollars.

3. The director may assess a reasonable charge, not to exceed ~~[three]~~ four hundred dollars, for any application to amend and reissue an existing license.

364.030. FINANCIAL INSTITUTIONS TO OBTAIN LICENSE, EXCEPTIONS — APPLICATION —

FEE. — 1. No person shall engage in the business of a financing institution in this state without a license therefor as provided in this chapter; except, however, that no bank, trust company, loan and investment company, licensed sales finance company, registrant under the provisions of sections 367.100 to 367.200, or person who makes only occasional purchases of retail time contracts or accounts under retail charge agreements and which purchases are not being made in the course of repeated or successive purchase of retail installment contracts from the same seller, shall be required to obtain a license under this chapter but shall comply with all the laws of this state applicable to the conduct and operation of a financing institution.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of ~~[five]~~ six hundred dollars for each place of business of the licensee in this state which shall be paid into the general revenue fund. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

4. Each license shall specify the location of the office or branch and must be conspicuously displayed therein. In case the location is changed, the director shall either endorse the change of location of the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of an application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a financing institution under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

364.105. REGISTRATION REQUIRED — FEE — FORMS. — 1. No person shall engage in the business of a premium finance company in this state without first registering as a premium finance company with the director.

2. The annual registration fee shall be ~~[five]~~ six hundred dollars payable to the director as of the first day of July of each year. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

3. Registration shall be made on forms prepared by the director and shall contain the following information:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- (1) Name, business address and telephone number of the premium finance company;
- (2) Name and business address of corporate officers and directors or principals or partners;
- (3) A sworn statement by an appropriate officer, principal or partner of the premium finance company that:
 - (a) The premium finance company is financially capable to engage in the business of insurance premium financing; and
 - (b) If a corporation, that the corporation is authorized to transact business in this state;
 - (4) If any material change occurs in the information contained in the registration form, a revised statement shall be submitted to the director accompanied by an additional fee of three hundred dollars.

365.030. SALES FINANCE COMPANY, LICENSE REQUIRED — EXCEPTIONS — APPLICATION — FEE. — 1. No person shall engage in the business of a sales finance company in this state without a license as provided in this chapter; except, that no bank, trust company, savings and loan association, loan and investment company or registrant under the provisions of sections 367.100 to 367.200 authorized to do business in this state is required to obtain a license under this chapter but shall comply with all of the other provisions of this chapter.

2. The application for the license shall be in writing, under oath and in the form prescribed by the director. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers, and such other pertinent information as the director may require.

3. The license fee for each calendar year or part thereof shall be the sum of [five] six hundred dollars for each place of business of the licensee in this state. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

4. Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case the location is changed, the director shall either endorse the change of location on the license or mail the licensee a certificate to that effect, without charge.

5. Upon the filing of the application, and the payment of the fee, the director shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

367.140. ANNUAL REGISTRATION — FEE, AMOUNT — CERTIFICATES, ISSUANCE, DISPLAY. — 1. Every lender shall, at the time of filing application for certificate of registration as provided in section 367.120 hereof, pay the sum of [five] six hundred dollars as an annual registration fee for the period ending the thirtieth day of June next following the date of payment and in full payment of all expenses for investigations, examinations and for the administration of sections 367.100 to 367.200, except as provided in section 367.160, and thereafter a like fee shall be paid on or before June thirtieth of each year; provided, that if a lender is supervised by the commissioner of finance under any other law, the charges for examination and supervision required to be paid under said law shall be in lieu of the annual fee for registration and examination required under this section. The fee shall be made payable to the director of revenue. If the initial registration fee for any certificate of registration is for a period of less than twelve months, the registration fee shall be prorated according to the number of months that said period shall run. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time.

2. Upon receipt of such fee and application for registration, and provided the bond, if required by the director, has been filed, the director shall issue to the lender a certificate containing the lender's name

and address and reciting that such lender is duly and properly registered to conduct the supervised business. The lender shall keep this certificate of registration posted in a conspicuous place at the place of business recited in the registration certificate. Where the lender engages in the supervised business at or from more than one office or place of business, such lender shall obtain a separate certificate of registration for each such office or place of business.

3. Certificates of registration shall not be assignable or transferable except that the lender named in any such certificate may obtain a change of address of the place of business therein set forth. Each certificate of registration shall remain in full force and effect until surrendered, revoked, or suspended as herein provided.

407.640. REGISTRATION STATEMENTS, FILING, CONTENTS, FEE. — 1. A credit services organization shall file a registration statement with the director of finance before conducting business in this state. The registration statement must contain:

- (1) The name and address of the credit services organization; and
- (2) The name and address of any person who directly or indirectly owns or controls ten percent or more of the outstanding shares of stock in the credit services organization.

2. The registration statement must also contain either:

- (1) A full and complete disclosure of any litigation or unresolved complaint filed by or with a governmental authority of this state relating to the operation of the credit services organization; or
- (2) A notarized statement that states that there has been no litigation or unresolved complaint filed by or with a governmental authority of this state relating to the operation of the credit services organization.

3. The credit services organization shall update the statement not later than the ninetieth day after the date on which a change in the information required in the statement occurs.

4. Each credit services organization registering under this section shall maintain a copy of the registration statement in the office of the credit services organization. The credit services organization shall allow a buyer to inspect the registration statement on request.

5. The director of finance may charge each credit services organization that files a registration statement with the director of finance a reasonable fee not to exceed ~~[three]~~ four hundred dollars to cover the cost of filing. The director of finance may not require a credit services organization to provide information other than that provided in the registration statement as part of the registration process.

408.145. CREDIT CARDS ISSUED IN CONTIGUOUS STATES, TERMS AND CONDITIONS —

DEFINITIONS. — 1. To encourage competitive equality, lenders issuing credit cards in this state pursuant to the authority of section 408.100 or 408.200, may ~~[in addition to lawful interest, contract for, charge and collect fees for]~~ issue such credit cards under such terms and conditions which any lender in any contiguous state is permitted to ~~[charge]~~ utilize for credit cards issued in such contiguous state by such state's statutes. State-chartered lenders ~~[charging such fees]~~ issuing credit cards in reliance on this subsection shall file a copy of the pertinent statutes of one contiguous state authorizing credit card ~~[fees]~~ terms and conditions with the director of finance or such lender's principal state regulator. The director of finance or other principal state regulator shall, within thirty days after receipt of the filing, approve or disapprove of such ~~[fees]~~ terms and conditions on the sole basis of whether the statutes of such contiguous state permit such ~~[fees]~~ terms and conditions, and without regard to the restrictions placed upon credit cards by subsection 2 of this section. When the lender is chartered by the federal government, or any agency thereunder, or is unregulated, such lender shall file with and be approved by the Missouri attorney general under the same provision as provided a state-chartered lender.

2. "Credit card" as used in this section shall mean a credit device defined as such in the federal Consumer Credit Protection Act and regulations thereunder, except:

(1) The term shall be limited to credit devices which permit the holder to purchase goods and service upon presentation to third parties whether or not the credit card also permits the holder to obtain loans of any other type; and

(2) Such credit device shall only provide credit which is not secured by real or personal property.

3. "Lender" as used in this section shall mean any category of depository or nondepository creditor. Notwithstanding the provisions of [section 408.140] sections 408.100 to 408.190 to the contrary, the lender shall declare on each credit card contract whether the credit card [fees are governed by section 408.140, or by] is issued pursuant to this section.

408.500. UNSECURED LOANS OF FIVE HUNDRED DOLLARS OR LESS, LICENSURE OF LENDERS, INTEREST RATES AND FEES ALLOWED — PENALTIES FOR VIOLATIONS — COST OF COLLECTION EXPENSES — NOTICE REQUIRED, FORM — CEASE AND DESIST ORDER ISSUED, WHEN. — 1. Lenders, other than banks, trust companies, credit unions, savings banks and savings and loan companies, in the business of making unsecured loans of five hundred dollars or less shall obtain a license from the director of the division of finance. An annual license fee of [five] six hundred dollars per location shall be required. The license year shall commence on January first each year and the license fee may be prorated for expired months. The director may establish a biennial licensing arrangement but in no case shall the fees be payable for more than one year at a time. The provisions of this section shall not apply to pawnbroker loans, consumer credit loans as authorized under chapter 367, nor to a check accepted and deposited or cashed by the payee business on the same or the following business day. The disclosures required by the federal Truth in Lending Act and regulation Z shall be provided on any loan, renewal or extension made pursuant to this section and the loan, renewal or extension documents shall be signed by the borrower.

2. Entities making loans pursuant to this section shall contract for and receive simple interest and fees in accordance with sections 408.100 and 408.140. Any contract evidencing any fee or charge of any kind whatsoever, except for bona fide clerical errors, in violation of this section shall be void. Any person, firm or corporation who receives or imposes a fee or charge in violation of this section shall be guilty of a class A misdemeanor.

3. Notwithstanding any other law to the contrary, cost of collection expenses, which include court costs and reasonable attorneys fees, awarded by the court in suit to recover on a bad check or breach of contract shall not be considered as a fee or charge for purposes of this section.

4. Lenders licensed pursuant to this section shall conspicuously post in the lobby of the office, in at least fourteen-point bold type, the maximum annual percentage rates such licensee is currently charging and the statement:

NOTICE:

This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

5. The lender shall provide the borrower with a notice in substantially the following form set forth in at least ten-point bold type, and receipt thereof shall be acknowledged by signature of the borrower:

(1) This lender offers short-term loans. Please read and understand the terms of the loan agreement before signing.

(2) You may cancel this loan without costs by returning the full principal balance to the lender by the close of the lender's next full business day.

6. The lender shall renew the loan upon the borrower's written request and the payment of any interest and fees due at the time of such renewal; however, upon the first renewal of the loan agreement, and each subsequent renewal thereafter, the borrower shall reduce the principal amount of the loan by

not less than five percent of the original amount of the loan until such loan is paid in full. However, no loan may be renewed more than six times.

7. When making or negotiating loans, a licensee shall consider the financial ability of the borrower to reasonably repay the loan in the time and manner specified in the loan contract. All records shall be retained at least two years.

8. A licensee who ceases business pursuant to this section must notify the director to request an examination of all records within ten business days prior to cessation. All records must be retained at least two years.

9. Any lender licensed pursuant to this section who fails, refuses or neglects to comply with the provisions of this section, or any laws relating to consumer loans or commits any criminal act may have its license suspended or revoked by the director of finance after a hearing before the director on an order of the director to show cause why such order of suspension or revocation should not be entered specifying the grounds therefor which shall be served on the licensee at least ten days prior to the hearing.

10. Whenever it shall appear to the director that any lender licensed pursuant to this section is failing, refusing or neglecting to make a good faith effort to comply with the provisions of this section, or any laws relating to consumer loans, the director may issue an order to cease and desist which order may be enforceable by a civil penalty of not more than one thousand dollars per day for each day that the neglect, failure or refusal shall continue. The penalty shall be assessed and collected by the director. In determining the amount of the penalty, the director shall take into account the appropriateness of the penalty with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

Approved June 7, 2023

CCS SB 20

Enacts provisions relating to retirement, with existing penalty provisions.

AN ACT to repeal sections 57.952, 57.961, 57.967, 57.991, 86.253, 86.254, 86.280, 86.283, 86.287, 104.010, 104.020, 104.035, 104.090, 104.130, 104.160, 104.170, 104.200, 104.312, 104.380, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1039, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, 143.114, 169.070, 169.331, 169.560, 169.596, 173.1205, and 476.521, RSMo, and to enact in lieu thereof fifty-four new sections relating to retirement, with existing penalty provisions.

SECTION

A Enacting clause.

- 57.952 Sheriffs' retirement fund — management — source — effect of insufficient funds on benefits — county payroll deduction.
- 57.961 Membership in system — member contribution required, procedure — certain cities and counties may join, how — rulemaking authority.
- 57.967 Normal annuity, calculation, minimum amount — medical insurance premiums for retired members — surviving spouse of member dying before retirement, benefits.
- 57.991 Effect of benefits on eligibility for benefits in other systems.
- 86.253 Service retirement allowance, how calculated — military service credit — contributions refund, when — retiree, surviving spouses, special consultants, when.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 86.254 Special advisors, qualifications, duties, compensation — effective, when — surviving spouses as advisors, when, compensation.
- 86.280 Death benefit — dependents' allowances.
- 86.283 Death benefits of retired member — dependents' allowances — cost-of-living adjustment.
- 86.287 Accidental death benefit — dependents' allowances.
- 104.010 Definitions.
- 104.020 System created.
- 104.035 Deferred normal annuity on termination of employment to be paid to employee, requirements — reemployment and member of system, prior service credit restored, when — transportation department and highway patrol, deferred normal annuity, when, requirements.
- 104.090 Normal annuity of retired member — additional allowance to patrolmen, qualifications — survivorship options — option selected prior to retirement, death of spouse, effect — spouse as beneficiary, effect — dissolution of marriage, cancellation of election, when.
- 104.160 Board of trustees, membership — nominations and voting rights of members of system.
- 104.170 Officers of board of trustees, election, terms, duties — executive director, appointment, powers and duties — process to be served on executive director.
- 104.200 Board may correct error in amounts paid member, limitation.
- 104.312 Pension, annuity, benefit, right, and allowance is marital property — division of benefits order, requirements — information for courts — rejection of division of benefits order — basis for payment to alternate payee — calculation of division of benefits.
- 104.380 Retired members elected to state office, effect of — reemployment of retired members, effect of.
- 104.410 Disability benefits, who entitled, eligibility — how calculated — eligibility requirements — disabled, a normal retiree, when — termination of disability, effect — members of general assembly and statewide elected officials, accrual of service.
- 104.436 Financing pattern for contribution determinations — commissioner of administration to certify payment.
- 104.490 Correction of errors in amount paid members — falsification of records, penalty — survivor or beneficiary charged with killing member, denial of benefits, resumption of payments if not convicted.
- 104.515 Insurance and disability benefits to be kept in separate accounts — state's contribution, amount, contribution to be made from highway funds for certain employees, when — employees and families, who are covered for medical insurance — premium collection for amount not covered by state — special consultants, duties, compensation, benefits.
- 104.625 Annuities and lump sum payments, when, determination of amount.
- 104.810 Water patrol employees, membership options.
- 104.1003 Definitions.
- 104.1018 Vesting of benefits, when — reemployment of member, effect of.
- 104.1024 Retirement, application — annuity payments, how paid, amount — election to receive annuity or lump sum payment for certain employees, determination of amount.
- 104.1039 Reemployment of a retiree, effect on annuity — cost-of-living adjustments.
- 104.1051 Annuity deemed marital property — division of benefits — calculation.
- 104.1060 Erroneous amount paid, correction — penalty for falsification — disqualification from receipt of payments, when.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 104.1066 Actuarial valuations, methods used — certification of contribution rate, when.
- 104.1072 Life insurance benefits — medical insurance for certain retirees.
- 104.1084 Retirement benefits, general assembly members and statewide elected officials — COLA permitted, when — ineligibility for benefits — long-term disability, continued service credit accrual.
- 104.1091 New employees, normal retirement eligibility — vesting requirements — temporary annuity, when — early retirement annuity, when — minimum credited service requirements — contribution amount — options — conditions for retirement after January 1, 2018, for certain employees.
- 143.114 Deduction for sales or exchanges of employer securities to a qualified Missouri employee stock ownership plan — information provided to former employees upon separation.
- 168.082 Retirement benefits, speech-language pathology assistant considered speech implementer, when.
- 169.070 Retirement allowances, how computed, election allowed, time period — options — effect of federal O.A.S.I. coverage — cost-of-living adjustment authorized — limitation of benefits — employment of special consultant, compensation, minimum benefits.
- 169.331 Retired teachers may teach full time without loss of benefits, when — school district requirements.
- 169.560 Retirees may be employed, when — salary amount, effect on benefits, exception.
- 169.596 Retired teacher may teach full time without loss of retirement benefits, when — school district requirements.
- 173.1205 Ownership or membership interest in entities, not deemed governmental or quasi-governmental bodies, when.
- 285.1000 Definitions.
- 285.1005 Board established, members, terms, expenses, quorum.
- 285.1010 Duties of board.
- 285.1015 Show-Me MyRetirement savings plan, requirements.
- 285.1020 Rules, board to adopt.
- 285.1025 Employer immunity from liability, when.
- 285.1030 No guaranteed interest rate or rate of return — no liability for losses — plan debts and obligations, not state debts and obligations.
- 285.1035 Confidentiality of information.
- 285.1040 Intergovernmental agreement and memorandum of understanding, when.
- 285.1045 Show-Me MyRetirement savings administrative fund, use of moneys — administrative costs, how paid — competitive bidding.
- 285.1050 Recordkeeping — audits — report, contents.
- 285.1055 Plan contribution start date — phase in permitted.
- 476.521 New judges, benefits, eligibility requirements — contribution amount — employment after retirement, effect of.
- 104.130 Death benefit of retired member.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 57.952, 57.961, 57.967, 57.991, 86.253, 86.254, 86.280, 86.283, 86.287, 104.010, 104.020, 104.035, 104.090, 104.130, 104.160, 104.170, 104.200, 104.312, 104.380, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1039, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, 143.114, 169.070, 169.331, 169.560, 169.596, 173.1205, and 476.521, RSMo, are repealed and fifty-four new sections enacted in lieu thereof, to be known as sections 57.952, 57.961, 57.967, 57.991, 86.253, 86.254, 86.280,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

86.283, 86.287, 104.010, 104.020, 104.035, 104.090, 104.160, 104.170, 104.200, 104.312, 104.380, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1039, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, 143.114, 168.082, 169.070, 169.331, 169.560, 169.596, 173.1205, 285.1000, 285.1005, 285.1010, 285.1015, 285.1020, 285.1025, 285.1030, 285.1035, 285.1040, 285.1045, 285.1050, 285.1055, and 476.521, to read as follows:

57.952. SHERIFFS' RETIREMENT FUND — MANAGEMENT — SOURCE — EFFECT OF INSUFFICIENT FUNDS ON BENEFITS — COUNTY PAYROLL DEDUCTION. — 1. There is hereby authorized a "Sheriffs' Retirement Fund" which shall be under the management of a board of directors described in section 57.958. The board of directors shall be responsible for the administration and the investment of the funds of such sheriffs' retirement fund. ~~[Neither]~~ The general assembly ~~[nor]~~ and the governing body of a county [shall] may appropriate funds for deposit in the sheriffs' retirement fund. If insufficient funds are generated to provide the benefits payable pursuant to the provisions of sections 57.949 to 57.997, the board shall proportion the benefits according to the funds available.

2. The board may accept gifts, donations, grants, and bequests from public or private sources to the sheriffs' retirement fund.

3. Each county shall make the payroll deductions for member contributions mandated under section 57.961, and the county shall transmit such moneys to the board for deposit into the sheriffs' retirement fund.

57.961. MEMBERSHIP IN SYSTEM — MEMBER CONTRIBUTION REQUIRED, PROCEDURE — CERTAIN CITIES AND COUNTIES MAY JOIN, HOW — RULEMAKING AUTHORITY. — 1. On and after the effective date of the establishment of the system, as an incident to his or her employment or continued employment, each person employed as an elected or appointed sheriff of a county shall become a member of the system. Such membership shall continue as long as the person continues to be an employee, or receives or is eligible to receive benefits under the provisions of sections 57.949 to 57.997.

2. Notwithstanding any other provision of law to the contrary, each person who is a member of the system on or after January 1, 2024, shall be required to contribute five percent of the member's pay to the retirement system. Such contribution shall be made notwithstanding that the minimum salary or wages provided by law for any member shall thereby be changed. Each member shall be deemed to consent and agree to the deduction made and provided for herein. Payment of a member's compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered by him or her to a county, except as to benefits provided by this system.

3. The officer or officers responsible for making up the payrolls for each county shall cause the contribution provided for in this section to be deducted from the compensation of the member in the employ of the county, on each and every payroll, for each and every payroll to the date his or her membership terminates. When deducted, each contribution shall be paid by the county to the system; the payments shall be made in the manner and shall be accompanied by such supporting data as the board shall from time to time prescribe. When paid to the system, each of the contributions shall be credited to the member from whose compensation the contributions were deducted. The contributions so deducted shall be treated as employee contributions for purposes of determining the member's pay that is includable in the member's gross income for federal income tax purposes.

4. Member contributions deducted and paid into the system by the county shall be paid from the same source of funds used for the payment of pay to a member. A deduction shall be made from each member's pay equal to the amount of the member's contributions picked up by the employer. This deduction, however, shall not reduce the member's pay for purposes of computing benefits under the retirement system under this chapter.

5. The contributions, although designated as employee contributions, shall be paid by the county in lieu of the contributions by the member. The member shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the county to the retirement system.

6. A former member who is not vested may request a refund of his or her contributions. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later, and shall include all contributions made to any retirement plan administered by the system.

[2.] 7. Beginning September 1, 1986, any city not within a county and any county having a charter form of government may elect, by a majority vote of its governing body, to come under the provisions of sections 57.949 to 57.997 except for the provisions of section 57.955. Notice in writing of such election shall be given to the board, and the person employed as sheriff of such county, as an incident of his contract of employment or continued employment, shall become a member of the system on the first day of the month immediately following the date the board receives notice. Such membership shall continue as long as the person continues to be an employee, or receives or is eligible to receive benefits under the provisions of sections 57.949 to 57.997, and upon becoming a member he shall receive credit for all prior service as if he had become a member on December 22, 1983.

8. Subject to the limitations under sections 57.949 to 57.997, the board shall have the authority to formulate and adopt rules and regulations for the administration of these provisions.

57.967. NORMAL ANNUITY, CALCULATION, MINIMUM AMOUNT — MEDICAL INSURANCE PREMIUMS FOR RETIRED MEMBERS — SURVIVING SPOUSE OF MEMBER DYING BEFORE RETIREMENT, BENEFITS. — 1. The normal annuity of a retired member shall equal two percent of the final average compensation of the retired member multiplied by the number of years of creditable service of the retired member, except that the normal annuity shall not exceed seventy-five percent of the retired member's average final compensation. Such annuity shall be not less than one thousand dollars per month.

2. The board, at its last meeting of each calendar year, shall determine the monthly amount for medical insurance premiums to be paid to each retired member during the next following calendar year. The monthly amount shall not exceed four hundred fifty dollars. The monthly payments are at the discretion of the board on the advice of the actuary. The anticipated sum of all such payments during the year plus the annual normal cost plus the annual amount to amortize the unfunded actuarial accrued liability in no more than thirty years shall not exceed the anticipated moneys credited to the system pursuant to [section] sections 57.952 and 57.955. The money amount granted here shall not be continued to any survivor.

3. If a member with eight or more years of service dies before becoming eligible for retirement, the member's surviving spouse, if he or she has been married to the member for at least two years prior to the member's death, shall be entitled to survivor benefits under option 1 as set forth in section 57.979 as if the member had retired on the date of the member's death. The member's monthly benefit shall be calculated as the member's accrued benefit at his or her death reduced by one-fourth of one percent per month for an early commencement from the member's normal retirement date: age fifty-five with twelve or more years of creditable service or age sixty-two with eight years of creditable service, to the member's date of death. Such benefit shall be payable on the first day of the month following the member's death and shall be payable during the surviving spouse's lifetime.

57.991. EFFECT OF BENEFITS ON ELIGIBILITY FOR BENEFITS IN OTHER SYSTEMS. — 1. For members of the system prior to December 31, 2023, the benefits provided for by sections 57.949 to 57.997 shall in no way affect any person's eligibility for retirement benefits under the local government employees' retirement system, sections 70.600 to 70.755, or any other local government retirement or pension system, or in any way have the effect of reducing retirement benefits in such systems, or

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Matter underscored is proposed language.

reducing compensation or mileage reimbursement of employees, anything to the contrary notwithstanding.

2. Any new members employed under this section, on or after January 1, 2024, shall be subject to the following provisions:

(1) A member of another state or local retirement or pension system who begins employment in a position covered by the sheriffs' retirement system shall become a member of the sheriffs' retirement system upon employment. Any membership in any other state or local retirement or pension system shall cease, except that the member shall be entitled to benefits accrued through December 31, 2023, or the commencement of membership in the sheriffs' retirement system, whichever is later; and

(2) Subject to the limitations under sections 57.949 to 57.997, the board shall have the authority to formulate and adopt rules and regulations for the administration of these provisions.

86.253. SERVICE RETIREMENT ALLOWANCE, HOW CALCULATED — MILITARY SERVICE CREDIT — CONTRIBUTIONS REFUND, WHEN — RETIREE, SURVIVING SPOUSES, SPECIAL CONSULTANTS, WHEN. — 1. Upon termination of employment as a police officer and actual retirement for service, a member shall receive a service retirement allowance which shall be an amount equal to two percent of the member's average final compensation multiplied by the number of years of the member's creditable service, up to twenty-five years, plus an amount equal to four percent of the member's average final compensation for each year of creditable service in excess of twenty-five years but not in excess of thirty years; plus an additional five percent of the member's average final compensation for any creditable service in excess of thirty years. Notwithstanding the foregoing, the service retirement allowance of a member who does not earn any creditable service after August 11, 1999, shall not exceed an amount equal to seventy percent of the member's average final compensation, and the service retirement allowance of a member who earns creditable service on or after August 12, 1999, shall not exceed an amount equal to seventy-five percent of the member's average final compensation; provided, however, that the service retirement allowance of a member who is participating in the DROP pursuant to section 86.251 on August 12, 1999, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer and actually retires for reasons other than death or disability before earning at least two years of creditable service after such return shall be the sum of (1) the member's service retirement allowance as of the date the member entered DROP and (2) an additional service retirement allowance based solely on the creditable service earned by the member following the member's return to active participation. The member's total years of creditable service shall be taken into account for the purpose of determining whether the additional allowance attributable to such additional creditable service is two percent, four percent or five percent of the member's average final compensation.

2. If, at any time since first becoming a member of the retirement system, the member has served in the Armed Forces of the United States, and has subsequently been reinstated as a policeman within ninety days after the member's discharge, the member shall be granted credit for such service as if the member's service in the police department of such city had not been interrupted by the member's induction into the Armed Forces of the United States. If earnable compensation is needed for such period in computation of benefits it shall be calculated on the basis of the compensation payable to the officers of the member's rank during the period of the member's absence. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the retirement system governed by sections 86.200 to 86.366 shall be operated and administered in accordance with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

3. The service retirement allowance of each present and future retired member who terminated employment as a police officer and actually retired from service after attaining age fifty-five or after completing twenty years of creditable service shall be increased annually at a rate not to exceed three percent as approved by the board of trustees beginning with the first increase in the second October

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following the member's retirement and subsequent increases in each October thereafter, provided that each increase is subject to a determination by the board of trustees that the consumer price index (United States City Average Index) as published by the United States Department of Labor shows an increase of not less than the approved rate during the latest twelve-month period for which the index is available at the date of determination; and provided further, that if the increase is in excess of the approved rate for any year, such excess shall be accumulated as to any retired member and increases may be granted in subsequent years subject to a maximum of three percent for each full year from October following the member's retirement but not to exceed a total percentage increase of thirty percent. In no event shall the increase described under this subsection be applied to the amount, if any, paid to a member or surviving spouse of a deceased member for services as a special consultant under subsection 5 of this section [or, if applicable, subsection 6 of this section]. If the board of trustees determines that the index has decreased for any year, the benefits of any retired member that have been increased shall be decreased but not below the member's initial benefit. No annual increase shall be made of less than one percent and no decrease of less than three percent except that any decrease may be limited in amount by the initial benefit.

4. In addition to any other retirement allowance payable under this section and section 86.250, a member, upon termination of employment as police officer and actual service retirement, may request payment of the total amount of the member's mandatory contributions to the retirement system without interest. Upon receipt of such request, the board shall pay the retired member such total amount of the member's mandatory contributions to the retirement system to be paid pursuant to this subsection within sixty days after such retired member's date of termination of employment as a police officer and actual retirement.

5. Any person who is receiving retirement benefits from the retirement system, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, for the remainder of the person's life or, in the case of a deceased member's surviving spouse, until [the earlier of] the person's death [or remarriage], and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services the special consultant shall be compensated monthly, in an amount which, when added to any monthly retirement benefits being received from the retirement system, including any cost-of-living increases under subsection 3 of this section, shall total six hundred fifty dollars a month. This employment shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any provisions of law to the contrary.

86.254. SPECIAL ADVISORS, QUALIFICATIONS, DUTIES, COMPENSATION — EFFECTIVE, WHEN — SURVIVING SPOUSES AS ADVISORS, WHEN, COMPENSATION. — 1. Beginning July 1, 1994, in addition to any other annuity, benefits, or retirement allowance provided pursuant to sections 86.200 to 86.366, each present and future retired member after attaining the age of sixty years shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters, for the remainder of the retired member's life, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

2. For the performance of duties required in subsection 1 of this section, each retired member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the retired member is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually. No funding shall be required prior to the effective date of this benefit.

3. Beginning October 1, 1999, in addition to any other benefit provided to any surviving spouse pursuant to sections 86.200 to 86.366, each present and future surviving spouse of a member after

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attaining the age of sixty years shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters for the remainder of the surviving spouse's life [or until the surviving spouse remarries, whichever is earlier], and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

4. For the performance of duties required in subsection 3 of this section, each surviving spouse of a member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the surviving spouse is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually.

86.280. DEATH BENEFIT—DEPENDENTS' ALLOWANCES.— Upon the receipt of proper proofs of the death of a member in service and provided no other benefits are payable under the retirement system, there shall be paid the following benefits:

(1) Effective October 1, 1999, a pension to the surviving spouse until the surviving spouse dies [or remarries, whichever is earlier], of forty percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself;

(2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the surviving spouse or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, the surviving spouse shall receive additional monthly compensation in an amount equal to fifteen percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member. The additional monthly compensation payable to a surviving spouse pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply, pursuant to subdivision (8) of this section, to the benefit the surviving spouse was receiving prior to October 1, 1999;

(3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a surviving spouse shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the surviving spouse's benefit shall be paid for one child;

(4) If there is no surviving spouse or dependent children, the return of accumulated contributions to the designated beneficiary as set forth in section 86.293;

(5) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(6) Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the surviving spouse of the deceased member, such benefits may be paid to such surviving spouse for the child;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) The benefits payable pursuant to this section to the surviving spouse of a member who died in service after attaining the age of fifty-five or completing twenty years of creditable service shall be increased in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member;

(9) In the event a surviving spouse receiving death benefits as a result of a prior marriage to a deceased member subsequently remarries another member who also predeceases the surviving spouse, the surviving spouse shall receive a single death benefit pension, which, upon application to the board of trustees, shall be computed under subdivision (1) of this section using the highest of the average final compensations of the deceased members to which the surviving spouse was previously married;

(10) Beginning on August 28, 2023, any surviving spouse that had, prior to August 28, 2023, become ineligible for benefits under subdivisions (1) and (2) of this section as a result of remarrying shall, upon application to the board of trustees, have reinstated all future benefits under subdivisions (1) and (2) of this section. Any such reinstatement shall be as to future benefits only and shall not be retroactive prior to August 28, 2023.

86.283. DEATH BENEFITS OF RETIRED MEMBER — DEPENDENTS' ALLOWANCES — COST-OF-LIVING ADJUSTMENT. — Upon receipt of proper proofs of the death of a retired member who retired while in service, including retirement for service, ordinary disability or accidental disability, and provided no other benefits are payable from the retirement system, there shall be paid the following benefits:

(1) Effective October 1, 1999, a pension to the surviving spouse until the surviving spouse dies **[or remarries, whichever is earlier,]** of forty percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself;

(2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the surviving spouse or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a surviving spouse shall receive additional monthly compensation equal to the amount which when added to the benefits the surviving spouse was receiving pursuant to this section prior to October 1, 1999, determined without regard to any increase applied to such benefits prior to October 1, 1999, pursuant to subdivision (8) of this section, will increase the surviving spouse's total monthly payment pursuant to this section to forty percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the

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member. The additional monthly compensation payable to a surviving spouse pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply to the benefit the surviving spouse was receiving prior to October 1, 1999;

(3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a surviving spouse, determined without regard to any increase which would have applied to the surviving spouse's benefits pursuant to subdivision (8) of this section, shall be divided among the unmarried dependent children under age eighteen and unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the surviving spouse's benefits shall be paid for one child;

(4) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(5) Whenever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the surviving spouse of the deceased member, such benefits may be paid to such surviving spouse for the child;

(6) In the event of the death of a retired member receiving accidental disability benefits before such benefits have been paid for five years, the member's surviving spouse until the surviving spouse dies ~~or remarries, whichever is earlier,~~ shall receive an additional pension of ten percent of the deceased member's final average compensation;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) The benefits payable pursuant to this section to the surviving spouse of a retired member who received or was entitled to receive a service retirement allowance shall be increased in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member;

(9) In the event a surviving spouse receiving death benefits as a result of a prior marriage to a deceased member subsequently remarries another member who also predeceases the surviving spouse, the surviving spouse shall receive a single death benefit pension, which, upon application to the board of trustees, shall be computed under subdivision (1) of this section using the highest of the average final compensations of the deceased members to which the surviving spouse was previously married;

(10) Beginning on August 28, 2023, any surviving spouse that had, prior to August 28, 2023, become ineligible for benefits under subdivisions (1), (2), and (6) of this section as a result of remarrying shall, upon application to the board of trustees, have reinstated all future benefits under subdivisions (1), (2), and (6) of this section. Any such reinstatement shall be as to future benefits only and shall not be retroactive prior to August 28, 2023.

86.287. ACCIDENTAL DEATH BENEFIT — DEPENDENTS' ALLOWANCES. — Upon the receipt by the board of trustees of evidence and proof that the death of a member was the natural and proximate result of an accident occurring at some definite time and place while the member was in the actual

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performance of duty and not caused by negligence on the part of the member, there shall be paid in lieu of the benefits pursuant to sections 86.280 to 86.283:

(1) Effective October 1, 1999, a pension to the surviving spouse until the surviving spouse dies **[or remarries, whichever is earlier,]** of seventy-five percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself;

(2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the surviving spouse or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a surviving spouse shall receive additional monthly compensation equal to the amount which when added to the benefits the surviving spouse was receiving pursuant to this section prior to October 1, 1999, will increase the surviving spouse's total monthly benefit payment pursuant to this section to seventy-five percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member;

(3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a surviving spouse shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the surviving spouse's benefit shall be paid for one child;

(4) If there is no surviving spouse or unmarried dependent children of either class mentioned in subdivision (3) of this section, then an amount equal to the surviving spouse's benefit shall be paid to the member's dependent father or dependent mother to continue until remarriage or death;

(5) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(6) Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the surviving spouse of the deceased member, such benefits may be paid to such surviving spouse for the child;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) In the event a surviving spouse receiving death benefits as a result of a prior marriage to a deceased member subsequently remarries another member who also predeceases the surviving spouse, the surviving spouse shall receive a single death benefit pension, which, upon application to the board

of trustees, shall be computed under subdivision (1) of this section using the highest of the average final compensations of the deceased members to which the surviving spouse was previously married;

(9) Beginning on August 28, 2023, any surviving spouse that had, prior to August 28, 2023, become ineligible for benefits under subdivisions (1) and (2) of this section as a result of remarrying shall, upon application to the board of trustees, have reinstated all future benefits under subdivisions (1) and (2) of this section. Any such reinstatement shall be as to future benefits only and shall not be retroactive prior to August 28, 2023.

104.010. DEFINITIONS. — 1. The following words and phrases as used in sections 104.010 to 104.800, unless a different meaning is plainly required by the context, shall mean:

(1) "Accumulated contributions", the sum of all deductions for retirement benefit purposes from a member's compensation which shall be credited to the member's individual account and interest allowed thereon;

(2) "Active armed warfare", any declared war, or the Korean or Vietnamese Conflict;

(3) "Actuarial equivalent", a benefit which, when computed upon the basis of specified actuarial assumptions approved by the board, is equal in value to a certain amount or other benefit;

(4) "Actuarial tables", the actuarial tables approved and in use by a board at any given time;

(5) "Actuary", the actuary who is a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974 and who is employed by a board at any given time;

(6) "Annuity", annual payments, made in equal monthly installments, to a retired member from funds provided for in, or authorized by, this chapter;

(7) "Annuity starting date", the first day of the first month with respect to which an amount is paid as an annuity under sections 104.010 to 104.800, and the terms retirement, time of retirement, and date of retirement shall mean annuity starting date as defined in this subdivision unless the context in which the term is used indicates otherwise;

(8) "Average compensation", the average compensation of a member for the thirty-six consecutive months of service prior to retirement when the member's compensation was greatest; or if the member is on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of compensation the member would have received may be used, as reported and verified by the employing department; or if the member had less than thirty-six months of service, the average annual compensation paid to the member during the period up to thirty-six months for which the member received creditable service when the member's compensation was the greatest; or if the member is on military leave, the amount of compensation the member would have received may be used as reported and verified by the employing department or, if such amount is not determinable, the amount of the employee's average rate of compensation during the twelve-month period immediately preceding such period of leave, or if shorter, the period of employment immediately preceding such period of leave. The board of each system may promulgate rules for purposes of calculating average compensation and other retirement provisions to accommodate for any state payroll system in which compensation is received on a monthly, semimonthly, biweekly, or other basis;

(9) "Beneficiary", any persons or entities entitled to or nominated by a member or retiree who may be legally entitled to receive benefits pursuant to this chapter;

(10) "Biennial assembly", the completion of no less than two years of creditable service or creditable prior service by a member of the general assembly;

(11) "Board of trustees", "board", or "trustees", a board of trustees as established for the applicable system pursuant to this chapter;

(12) "Chapter", sections 104.010 to 104.800;

(13) "Compensation":

(a) All salary and wages payable out of any state, federal, trust, or other funds to an employee for personal services performed for a department; but including only amounts for which contributions have been made in accordance with section 104.436, or section 104.070, whichever is applicable, and excluding any nonrecurring single sum payments or amounts paid after the member's termination of employment unless such amounts paid after such termination are a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000, or any other one-time payments made as a result of such payroll system;

(b) All salary and wages which would have been payable out of any state, federal, trust or other funds to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) Effective December 31, 1995, compensation in excess of the limitations set forth in Internal Revenue Code Section 401(a)(17) shall be disregarded. The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For this purpose, an "eligible employee" is an individual who was a member of the system before the first plan year beginning after December 31, 1995;

(d) The board by its rules may further define "compensation" in a manner consistent with this subdivision;

(14) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by a board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

(15) "Creditable prior service", the service of an employee which was either rendered prior to the establishment of a system, or prior to the date the employee last became a member of a system, and which is recognized in determining the member's eligibility and for the amount of the member's benefits under a system;

(16) "Creditable service", the sum of membership service and creditable prior service, to the extent such service is standing to a member's credit as provided in this chapter; except that in no case shall more than one day of creditable service or creditable prior service be credited any member for any one calendar day of eligible service credit as provided by law;

(17) "Deferred normal annuity", the annuity payable to any former employee who terminated employment as an employee or otherwise withdrew from service with a vested right to a normal annuity, payable at a future date;

(18) "Department", any department or agency of the executive, legislative or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system pursuant to this chapter as otherwise provided by law;

(19) "Disability benefits", benefits paid to any employee while totally disabled as provided in this chapter;

(20) "Early retirement age", a member's attainment of fifty-five years of age and the completion of ten or more years of creditable service, except for uniformed members of the water patrol;

(21) "Employee":

(a) Effective August 28, 2007, any elective or appointive officer or person employed by the state who is employed, promoted or transferred by a department into a new or existing position and earns a salary or wage in a position normally requiring the performance by the person of duties during not less than one thousand forty hours per year, including each member of the general assembly but not including any patient or inmate of any state, charitable, penal or correctional institution. However, persons who are members of the public school retirement system and who are employed by a state agency other than an institution of higher learning shall be deemed employees for purposes of

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participating in all insurance programs administered by a board established pursuant to section 104.450. This definition shall not exclude any employee as defined in this subdivision who is covered only under the federal Old Age and Survivors' Insurance Act, as amended. As used in this chapter, the term "employee" shall include:

a. Persons who are currently receiving annuities or other retirement benefits from some other retirement or benefit fund, so long as they are not simultaneously accumulating creditable service in another retirement or benefit system which will be used to determine eligibility for or the amount of a future retirement benefit;

b. Persons who have elected to become or who have been made members of a system pursuant to section 104.342;

(b) Any person who is not a retiree and has performed services in the employ of the general assembly or either house thereof, or any employee of any member of the general assembly while acting in the person's official capacity as a member, and whose position does not normally require the person to perform duties during at least one thousand forty hours per year, with a month of service being any monthly pay period in which the employee was paid for full-time employment for that monthly period; except that persons described in this paragraph shall not include any such persons who are employed on or after August 28, 2007, and who have not previously been employed in such positions;

(c) "Employee" does not include special consultants employed pursuant to section 104.610;

(d) The system shall consider a person who is employed in multiple positions simultaneously within a single agency to be working in a single position for purposes of determining whether the person is an employee as defined in this subdivision;

(22) "Employer", a department of the state;

(23) "Executive director", the executive director employed by a board established pursuant to the provisions of this chapter;

(24) "Fiscal year", the period beginning July first in any year and ending June thirtieth the following year;

(25) "Full biennial assembly", the period of time beginning on the first day the general assembly convenes for a first regular session until the last day of the following year;

(26) "Fund", the benefit fund of a system established pursuant to this chapter;

(27) "Interest", interest at such rate as shall be determined and prescribed from time to time by a board;

(28) "Member", as used in sections 104.010 to 104.272 or 104.601 to 104.800 shall mean an employee, retiree, or former employee entitled to a deferred annuity covered by the Missouri department of transportation and highway patrol employees' retirement system. "Member", as used in this section and sections 104.312 to 104.800, shall mean an employee, retiree, or former employee entitled to deferred annuity covered by the Missouri state employees' retirement system;

(29) "Membership service", the service after becoming a member that is recognized in determining a member's eligibility for and the amount of a member's benefits under a system;

(30) "Military service", all active service performed in the United States Army, Air Force, Navy, Marine Corps, Coast Guard, and members of the United States Public Health Service or any women's auxiliary thereof; and service in the Army National Guard and Air National Guard when engaged in active duty for training, inactive duty training or full-time National Guard duty, and service by any other category of persons designated by the President in time of war or emergency;

(31) "Normal annuity", the annuity provided to a member upon retirement at or after the member's normal retirement age;

(32) "Normal retirement age", an employee's attainment of sixty-five years of age and the completion of four years of creditable service or the attainment of age sixty-five years of age and the completion of five years of creditable service by a member who has terminated employment and is entitled to a deferred normal annuity or the member's attainment of age sixty and the completion of

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fifteen years of creditable service, except that normal retirement age for uniformed members of the highway patrol shall be fifty-five years of age and the completion of four years of creditable service and uniformed employees of the water patrol shall be fifty-five years of age and the completion of four years of creditable service or the attainment of age fifty-five and the completion of five years of creditable service by a member of the water patrol who has terminated employment and is entitled to a deferred normal annuity and members of the general assembly shall be fifty-five years of age and the completion of three full biennial assemblies. Notwithstanding any other provision of law to the contrary, a member of the Missouri department of transportation and highway patrol employees' retirement system or a member of the Missouri state employees' retirement system shall be entitled to retire with a normal annuity and shall be entitled to elect any of the survivor benefit options and shall also be entitled to any other provisions of this chapter that relate to retirement with a normal annuity if the sum of the member's age and creditable service equals eighty years or more and if the member is at least forty-eight years of age;

(33) "Payroll deduction", deductions made from an employee's compensation;

(34) "Prior service credit", the service of an employee rendered prior to the date the employee became a member which service is recognized in determining the member's eligibility for benefits from a system but not in determining the amount of the member's benefit;

(35) "Reduced annuity", an actuarial equivalent of a normal annuity;

(36) "Retiree", a member who is not an employee and who is receiving an annuity from a system pursuant to this chapter;

(37) "System" or "retirement system", the Missouri department of transportation and highway patrol employees' retirement system, as created by sections 104.010 to 104.270, or sections 104.601 to 104.800, or the Missouri state employees' retirement system as created by sections 104.320 to 104.800;

(38) "Uniformed members of the highway patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway patrol who normally appear in uniform;

(39) "Uniformed members of the water patrol", employees of the Missouri state water patrol of the department of public safety who are classified as water patrol officers who have taken the oath of office prescribed by the provisions of chapter 306 and who have those peace officer powers given by the provisions of chapter 306;

(40) "Vesting service", the sum of a member's prior service credit and creditable service which is recognized in determining the member's eligibility for benefits under the system.

2. Benefits paid pursuant to the provisions of this chapter shall not exceed the limitations of Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan under Section 415(m) of the Internal Revenue Code of 1986, as amended. Such plan shall be created solely for the purposes described in Section 415(m)(3)(A) of the Internal Revenue Code of 1986, as amended. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

104.020. SYSTEM CREATED. — There is hereby created the "Missouri Department of Transportation and Highway Patrol Employees' Retirement System", which shall be a body corporate and an instrumentality of the state. In such system shall be vested the powers and duties specified in sections 104.010 to ~~104.270~~ 104.312 and such other powers as may be necessary or proper to enable it, its officers, employees, and agents to carry out fully and effectively all the purposes of sections 104.010 to ~~104.270~~ 104.312.

104.035. DEFERRED NORMAL ANNUITY ON TERMINATION OF EMPLOYMENT TO BE PAID TO EMPLOYEE, REQUIREMENTS — REEMPLOYMENT AND MEMBER OF SYSTEM, PRIOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

SERVICE CREDIT RESTORED, WHEN — TRANSPORTATION DEPARTMENT AND HIGHWAY PATROL, DEFERRED NORMAL ANNUITY, WHEN, REQUIREMENTS. — 1. Any member whose employment terminated prior to August 13, 1976, and who had served twenty years or more as an employee shall be entitled to a deferred normal annuity based on his creditable service, average compensation, and the act in effect at the time his employment was terminated.

2. Any member whose employment terminates on or after August 13, 1976, and prior to June 1, 1981, and who had served fifteen or more years' creditable service as an employee or had served ten or more years of creditable service as an employee and was at least thirty-five years of age at the date of termination of employment shall be entitled to a deferred normal annuity based on his creditable service, average compensation, and the act in effect at the time his employment was terminated.

3. Any member whose employment terminates on or after June 1, 1981, and who has ten or more years of creditable service at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the act in effect at the time the member's employment is terminated.

4. Any member entitled to a deferred normal annuity as provided in subsection 1, 2, 3 or 5 of this section who reenters the service of a department and again becomes a member of the system [and thereafter serves for one continuous year] shall have his prior period of service restored, so that benefits determined by reason of his retirement or subsequent withdrawal from service will include the sum of all periods of creditable service, and his annuity shall be based on his creditable service, average compensation, and the act in effect at the time of his retirement or subsequent withdrawal from service.

5. Notwithstanding any other law to the contrary, any member of the transportation department and highway patrol retirement system whose employment terminated on or after September 28, 1992, who has five or more years of vesting service as an employee at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation, and the act in effect at the time the member's employment was terminated.

104.090. NORMAL ANNUITY OF RETIRED MEMBER — ADDITIONAL ALLOWANCE TO PATROLMEN, QUALIFICATIONS — SURVIVORSHIP OPTIONS — OPTION SELECTED PRIOR TO RETIREMENT, DEATH OF SPOUSE, EFFECT — SPOUSE AS BENEFICIARY, EFFECT — DISSOLUTION OF MARRIAGE, CANCELLATION OF ELECTION, WHEN. — 1. The normal annuity of a member shall equal one and six-tenths percent of the average compensation of the member multiplied by the number of years of creditable service of such member. In addition, the normal annuity of a uniformed member of the patrol shall be increased by thirty-three and one-third percent.

2. In addition, a uniformed member of the highway patrol who is retiring with a normal annuity after attaining normal retirement age shall receive an additional sum of ninety dollars per month as a contribution by the system until such member attains the age of sixty-five years, when such contribution shall cease. To qualify for the contribution provided in this subsection by the system, the retired uniformed member of the highway patrol is made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. Such additional contribution shall be reduced each month by such amount earned by the retired uniformed member of the highway patrol in gainful employment. In order to qualify for the additional contribution provided in this subsection, the retired uniformed member of the highway patrol shall have been:

(1) Hired by the Missouri state highway patrol prior to January 1, 1995; and

(2) Employed by the Missouri state highway patrol or receiving long-term disability or work-related disability benefits on the day before the effective date of the member's retirement.

3. In lieu of the annuity payable to the member pursuant to section 104.100, a member whose age at retirement is forty-eight or more may elect in the member's application for retirement to receive one of the following:

Option 1.

An actuarial reduction approved by the board of the member's annuity in reduced monthly payments for life during retirement with the provision that upon the member's death the reduced annuity at date of death shall be continued throughout the life of, and be paid to, the member's spouse; or

Option 2.

The member's normal annuity in regular monthly payments for life during retirement with the provision that upon the member's death a survivor's benefit equal to one-half the member's normal annuity at date of death shall be paid to the member's spouse in regular monthly payments for life; or

Option 3.

An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member's having received one hundred twenty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the one hundred twenty-month period to such beneficiary as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retiree, the reserve for such allowance for the remainder of such one hundred twenty-month period shall be paid to the retiree's estate; or

Option 4.

An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received sixty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the sixty-month period to such beneficiary as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retiree, the reserve for such allowance for the remainder of such sixty-month period shall be paid to the retiree's estate.

4. The election may be made only in the application for retirement, and such application shall be filed at least thirty days but not more than ninety days prior to the date on which the retirement of the member is to be effective, provided that if either the member or the spouse nominated to receive the survivorship payment dies before the effective date of retirement, the election shall not be effective. If after the reduced annuity commences, the spouse predeceases the retired member, the reduced annuity continues to the retired member during the member's lifetime.

5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the date retirement benefits are initiated if the member makes the election within one year from the date of marriage or July 1, 2000, whichever is later, under any of the following circumstances:

(1) The member elected to receive a normal annuity and was not eligible to elect option 1 or 2 on the date retirement benefits were initiated; or

(2) The member's annuity reverted to a normal annuity pursuant to subsection 7 of this section or subsection [7 or] 8 of section 104.103 and the member remarried; or

(3) The member elected option 1 or 2 but the member's spouse at the time of retirement has died and the member has remarried.

6. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, and for such services shall be eligible to elect to receive the benefits described in subsection 5 of this section.

7. For retirement applications filed on or after August 28, 2004, the beneficiary for either option 1 or option 2 of subsection 3 of this section shall be the member's spouse at the time of retirement. If the member's marriage ends after retirement as a result of a dissolution of marriage, such dissolution shall

not affect the option election and the former spouse shall continue to be eligible to receive survivor benefits upon death of the member, except a member may cancel his or her election if:

(1) The dissolution of marriage of the member and former spouse occurred on or after January 1, 2021, and the dissolution decree provides for sole retention by the member of all rights in the annuity and provides that the former spouse shall not be entitled to any survivor benefits pursuant to this chapter; or

(2) The dissolution of marriage of the member and former spouse occurred prior to January 1, 2021, and:

(a) The dissolution decree provided for the sole retention by the member of all rights in the annuity pursuant to this chapter, and the parties obtained an amended or modified dissolution decree after January 1, 2021, providing for immediate removal of the former spouse as the beneficiary entitled to survivor benefits to the satisfaction of the system; or

(b) The dissolution decree does not provide for the sole retention by the member of all rights in the annuity and the parties obtained an amended or modified dissolution decree after January 1, 2021, which provides for the sole retention by the member of all rights in the annuity and provides that the former spouse shall not be entitled to any survivor benefits pursuant to this chapter.

Upon meeting the requirements of subdivision (1) or (2) of this subsection, the monthly benefit payable for the lifetime of the member shall be the actuarial equivalent of the annuity payable pursuant to the provisions of option 1 or option 2 of subsection 3 of this section, as adjusted for early retirement if applicable. In no event shall the monthly benefit payable for the lifetime of the member be greater than the amount that would have been payable to the member under subsection 7 or 8 of section 104.103, whichever is applicable, had the former spouse died on the date of the dissolution of marriage. Any increase in the annuity amount pursuant to this subsection shall be prospective and effective the first of the month following the date of receipt by the system of a certified copy of the dissolution decree that meets the requirements of this subsection.

8. Any application for retirement shall only become effective on the first day of the month.

104.160. BOARD OF TRUSTEES, MEMBERSHIP — NOMINATIONS AND VOTING RIGHTS OF MEMBERS OF SYSTEM. — The board of trustees shall consist of three members of the state highways and transportation commission elected by the members of the commission. The superintendent of the highway patrol and the director of the department of transportation shall serve as members by virtue of their respective offices, and their successors shall succeed them as members of the board of trustees. In addition, one member of the senate appointed by the president pro tem of the senate and one member of the house of representatives, appointed by the speaker of the house shall serve as members of the board of trustees. In addition to the appointed legislators, two active employee members of the system shall be elected by a plurality vote of the active employee members of the system, herein designated for four-year terms to commence July 1, 1982, and every four years thereafter. One elected member shall be elected from the active employees of the department of transportation and one elected member shall be elected from the active employees of the civilian or uniformed highway patrol. The terms of the active employee representatives serving on the board on August 28, 2026, shall continue until June 30, 2028. All terms of elected active employee representatives shall be for four years after June 30, 2028. In addition to the two active employee members, two retirees of the system shall be elected to serve on the board by a plurality vote of the retirees of the system. One retiree shall be elected by the retired employees of the transportation department and one retiree shall be elected by the retired employees of the civilian or uniformed highway patrol. The retiree serving on the board on August 28, 2007, shall continue to serve on the board as the representative of the retired employees of the transportation department until June 30, 2010. An election shall be held prior to January 1, 2008, for the retiree to be elected by the retired employees of the civilian or uniformed highway patrol with said term to

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commence on January 1, 2008, and expire on June 30, 2010. All terms of elected retired employees shall be for four years after June 30, 2010. The board shall determine the procedures for nomination and election of the elective board members. Nominations may be entered by any member of the system, provided members of the system have a reasonable opportunity to vote.

104.170. OFFICERS OF BOARD OF TRUSTEES, ELECTION, TERMS, DUTIES — EXECUTIVE DIRECTOR, APPOINTMENT, POWERS AND DUTIES — PROCESS TO BE SERVED ON EXECUTIVE DIRECTOR. — 1. The board shall elect [by secret ballot] one member as chair and one member as vice chair at the first board meeting of each year. The chair may not serve more than two consecutive terms beginning after August 13, 1988. The chair shall preside over meetings of the board and perform such other duties as may be required by action of the board. The vice chair shall perform the duties of the chair in the absence of the latter or upon the chair's inability or refusal to act.

2. The board shall appoint a full-time executive director, who shall not be compensated for any other duties under the state highways and transportation commission. The executive director shall have charge of the offices and records and shall hire such employees that the executive director deems necessary subject to the direction of the board. The executive director and all other employees of the system shall be members of the system and the board shall make contributions to provide the insurance benefits available pursuant to section 104.270 on the same basis as provided for other state employees pursuant to the provisions of section 104.515, and also shall make contributions to provide the retirement benefits on the same basis as provided for other employees pursuant to the provisions of sections 104.090 to 104.260. The executive director is authorized to execute all documents including contracts necessary to carry out any and all actions of the board.

3. Any summons or other writ issued by the courts of the state shall be served upon the executive director or, in the executive director's absence, on the assistant director.

104.200. BOARD MAY CORRECT ERROR IN AMOUNTS PAID MEMBER, LIMITATION. — Should any error in any records result in any [member's] member or [beneficiary's] beneficiary receiving more or less than he or she would have been entitled to receive had the records been correct, the board shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be paid, and to this end may recover any overpayments. In all cases in which such error has been made, no such error shall be corrected unless the system discovers or is notified of such error within ten years after the [initial] member's annuity starting date or the date of error, whichever occurs later. In cases of fraud, any error discovered shall be corrected without concern for the amount of time that has passed.

104.312. PENSION, ANNUITY, BENEFIT, RIGHT, AND ALLOWANCE IS MARITAL PROPERTY — DIVISION OF BENEFITS ORDER, REQUIREMENTS — INFORMATION FOR COURTS — REJECTION OF DIVISION OF BENEFITS ORDER — BASIS FOR PAYMENT TO ALTERNATE PAYEE — CALCULATION OF DIVISION OF BENEFITS. — 1. The provisions of subsection 2 of section 104.250, subsection 2 of section 104.540, subsection 2 of section 287.820, and section 476.688 to the contrary notwithstanding, any pension, annuity, benefit, right, or retirement allowance provided pursuant to this chapter, chapter 287, or chapter 476 is marital property and after August 28, 1994, a court of competent jurisdiction may divide the pension, annuity, benefits, rights, and retirement allowance provided pursuant to this chapter, chapter 287, or chapter 476 between the parties to any action for dissolution of marriage. A division of benefits order issued pursuant to this section:

(1) Shall not require the applicable retirement system to provide any form or type of annuity or retirement plan not selected by the member and not normally made available by that system;

(2) Shall not require the applicable retirement system to commence payments until the member submits a valid application for an annuity and the annuity becomes payable in accordance with the application;

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(3) Shall identify the monthly amount to be paid to the alternate payee, which shall be expressed as a percentage and which shall not exceed fifty percent of the amount of the member's annuity accrued during all or part of the time while the member and alternate payee were married excluding service accrued under section 104.601; and which shall be based on the member's vested annuity on the date of the dissolution of marriage or an earlier date as specified in the order, which amount shall be adjusted proportionately if the member's annuity is reduced due to early retirement or the member's annuity is reduced pursuant to section 104.395 under an annuity option in which the member named the alternate payee as beneficiary prior to the dissolution of marriage or pursuant to section 104.090 under an annuity option in which the member on or after August 28, 2007, named the alternative payee as beneficiary prior to the dissolution of marriage, and the percentage established shall be applied to the pro rata portion of any lump sum distribution pursuant to subsection 6 of section 104.335, accrued during the time while the member and alternate payee were married;

(4) Shall not require the payment of an annuity amount to the member and alternate payee which in total exceeds the amount which the member would have received without regard to the order;

(5) Shall provide that any benefit formula increases, additional years of service, increased average compensation or other type of increases accrued after the date of the dissolution of marriage shall accrue solely to the benefit of the member; except that on or after September 1, 2001, any annual benefit increase paid after the member's annuity starting date shall not be considered to be an increase accrued after the date of termination of marriage and shall be part of the monthly amount subject to division pursuant to any order issued after September 1, 2001;

(6) Shall terminate upon the death of either the member or the alternate payee, whichever occurs first;

(7) Shall not create an interest which is assignable or subject to any legal process;

(8) Shall include the name, address, and date of birth of both the member and the alternate payee, and the identity of the retirement system to which it applies;

(9) Shall be consistent with any other division of benefits orders which are applicable to the same member;

(10) Shall not require the applicable retirement system to continue payments to the alternate payee if the member's retirement benefit is suspended or waived as provided by this chapter but such payments shall resume when the retiree begins to receive retirement benefits in the future.

2. A system established by this chapter shall provide the court having jurisdiction of a dissolution of marriage proceeding or the parties to the proceeding with information necessary to issue a division of benefits order concerning a member of the system, upon written request from either the court, the member or the member's spouse, which cites this section and identifies the case number and parties.

3. A system established by this chapter shall have the discretionary authority to reject a division of benefits order for the following reasons:

(1) The order does not clearly state the rights of the member and the alternate payee;

(2) The order is inconsistent with any law governing the retirement system.

4. The amount paid to an alternate payee under an order issued pursuant to this section shall be based on the plan the member was in on the date of the dissolution of marriage; except that any annual benefit increases subject to division shall be based on the actual annual benefit increases received after the retirement plan election.

5. Any annuity payable under section 104.625 that is subject to a division of benefits order under this section shall be calculated as follows:

(1) In instances of divorce after retirement, any service or compensation of a member between the retroactive starting date and the annuity starting date shall not be considered creditable service or compensation; and

(2) The lump-sum payment described in subdivision (3) of section 104.625 shall not be subject to any division of benefits order.

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104.380. RETIRED MEMBERS ELECTED TO STATE OFFICE, EFFECT OF — REEMPLOYMENT OF RETIRED MEMBERS, EFFECT OF. — 1. If a retired member is elected to any state office or is appointed to any state office or is employed by a department in a position normally requiring the performance by the person of duties during not less than one thousand forty hours per year, the member shall not receive an annuity for any month or part of a month for which the member serves as an officer or employee[, but] except, notwithstanding the provisions of section 105.684 to the contrary, those retired members serving as a member of the general assembly under section 104.370 or an elected state official under section 104.371.

2. Upon reemployment under subsection 1 of this section, the member shall be considered to be a new employee with no previous creditable service and must accrue creditable service continuously for at least one year in order to receive any additional annuity. Any retired member who again becomes an employee and who accrues additional creditable service and later retires shall receive an additional amount of monthly annuity calculated to include only the creditable service and the average compensation earned by the member since such employment or creditable service earned as a member of the general assembly. Years of membership service and twelfths of a year are to be used in calculating any additional annuity except for creditable service earned as a member of the general assembly, and such additional annuity shall be based on the type of service accrued. In either event, the original annuity and the additional annuity, if any, shall be paid commencing with the end of the first month after the month during which the member's term of office has been completed, or the member's employment terminated. If a retired member is employed by a department in a position that does not normally require the person to perform duties during at least one thousand forty hours per year, the member shall not be considered an employee as defined pursuant to section 104.010. A retired member who becomes reemployed as an employee on or after August 28, 2001, in a position covered by the Missouri department of transportation and highway patrol employees' retirement system shall not be eligible to receive retirement benefits or additional creditable service from the state employees' retirement system. Annual benefit increases paid under section 104.415 shall not accrue while a retired member is employed as described in this section except, notwithstanding the provisions of section 105.684 to the contrary, those retired members serving as a member of the general assembly under section 104.370 or an elected state official under section 104.371. Any future annual benefit increases paid after the member terminates such employment will be paid in the same month as the member's original annual benefit increases were paid. Benefits paid under subsection 3 of section 104.374 are not applicable to any additional annuity paid under this section.

104.410. DISABILITY BENEFITS, WHO ENTITLED, ELIGIBILITY — HOW CALCULATED — ELIGIBILITY REQUIREMENTS — DISABLED, A NORMAL RETIREE, WHEN — TERMINATION OF DISABILITY, EFFECT — MEMBERS OF GENERAL ASSEMBLY AND STATEWIDE ELECTED OFFICIALS, ACCRUAL OF SERVICE. — 1. Any uniformed member of the water patrol who shall be affirmatively found by the board to be wholly and permanently incapable of holding any position of gainful employment as a result of injuries or illness incurred in the performance of the member's duties shall be entitled to receive disability benefits in an amount equal to one-half of the compensation that the employee was receiving at the time of the occurrence of the injury entitling the employee to such disability benefits. Any disability benefit payable pursuant to this subsection shall be decreased by any amount paid to such uniformed member of the water patrol by reason of the workers' compensation laws of this state. After termination of payment under workers' compensation, however, any such reduction and disability benefits shall be restored.

2. The board of trustees may require a medical examination of any uniformed member of the water patrol who is receiving disability benefits pursuant to this section at any time by a designated physician, and disability benefits shall be discontinued if the board finds that such member is able to perform the duties of the member's former position, or if such member refuses to submit to such an examination.

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Matter underscored is proposed language.

3. The disability benefits described in this section shall not be paid to any uniformed member of the water patrol who has retained or regained more than fifty percent of the member's earning capacity. If any uniformed member of the water patrol who has been receiving disability benefits again becomes an employee, the member's disability benefits shall be discontinued, the member's prior period of creditable service shall be restored, and any subsequent determination of benefits due the member or the member's survivors shall be based on the sum of the member's creditable service accrued to the date the member's disability benefits commenced and the period of creditable service after the member's return to employment.

4. Any uniformed member of the water patrol receiving benefits pursuant to the provisions of this section for five or more years immediately prior to attainment of age fifty-five shall be considered a normal retirant at age fifty-five, and may elect, within thirty days preceding the attainment of age fifty-five, option 1 of section 104.395, but only for the member's spouse who was the member's spouse for two or more years prior to the member's attainment of age fifty-five.

5. Any member who is receiving disability benefits as of December 31, 1985, or any member who is disabled on December 31, 1985, and would have been entitled to receive disability benefits pursuant to this section as the provisions of this section existed immediately prior to September 28, 1985, shall be eligible to receive or shall continue to receive benefits in accordance with such prior provisions of this section until the member again becomes an employee; however, all employees of the department of conservation who are disabled shall receive benefits pursuant only to this section or section 104.518, whichever is applicable, and shall not be eligible for benefits under any other plan or program purchased or provided after September 28, 1985.

6. Any member who qualifies for disability benefits pursuant to subsection 1 of this section or pursuant to the provisions of section 104.518, or under a long-term disability program provided by the member's employing department as a consequence of employment by the department, shall continue to accrue creditable service based on the member's rate of pay immediately prior to the date the member became disabled in accordance with sections 104.370, 104.371, 104.374 and 104.615, until the date the member's retirement benefit goes into pay status, the disability benefits cease being paid to the member, or the member is no longer disabled, whichever comes first. Persons covered by the provisions of sections 476.515 to 476.565 or sections 287.812 to 287.855, who qualify for disability benefits pursuant to the provisions of section 104.518, at the date the person becomes disabled, shall continue to accrue creditable service based on the person's rate of pay immediately prior to the date the person becomes disabled until the date the person's retirement benefit goes into pay status, the disability benefits cease being paid to the person or the person is no longer disabled, whichever comes first. Members or persons continuing to accrue creditable service pursuant to this subsection shall be entitled to continue their life insurance coverage subject to the provisions of the life insurance plan administered by the board pursuant to section 104.517. The rate of pay for purposes of calculating retirement benefits for a member or person described in this subsection who becomes disabled and retires on or after August 28, 1999, shall be the member's or person's regular monthly compensation received at the time of disablement, increased thereafter for any increases in the consumer price index. Such increases in the member's monthly pay shall be made annually beginning twelve months after disablement and shall be equal to eighty percent of the increase in the consumer price index during the calendar year prior to the adjustment, but not more than five percent of the member's monthly pay immediately before the increase. Such accruals shall continue until the earliest of: receipt of an early retirement annuity, attainment of normal retirement eligibility or termination of disability benefits.

7. A member or person who continues to be disabled as provided in subsection 6 of this section until the member's normal retirement age shall be eligible to retire on the first day of the month next following the member's or person's final payment pursuant to section 104.518 or, if applicable, subsection 1 of this section. A member or person who retires pursuant to this subsection shall receive the greater of the normal annuity or the minimum annuity, if applicable, determined pursuant to sections

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104.370, 104.371, 104.374 and 104.615, and section 287.820, and section 476.530 as if the member or person had continued in the active employ of the employer until the member's or person's retirement benefit goes into pay status, the disability benefits cease being paid to the member or person, or the member or person is no longer disabled, whichever comes first and the member's or person's compensation for such period had been the member's or person's rate of pay immediately preceding the date the member or person became disabled.

8. If a member who has been disabled becomes an employee again and if the member was disabled during the entire period of the member's absence, then the member shall resume active participation as of the date of reemployment. Such a member shall receive creditable service for the entire period the member was disabled as provided in subsection 6 of this section.

9. If a member ceases to be disabled and if the member does not return to work as provided in subsection 8 of this section, the member's rights to further benefits shall be determined in accordance with sections 104.335, 104.380, 104.400, 104.420 and 104.615 as though the member had withdrawn from service as of the date the member ceased to be disabled, as determined by the system.

10. Members of the general assembly who are accruing service under subsection 6 of this section shall continue to accrue service until the earliest of attainment of normal retirement age, termination of disability benefits, or the end of the member's constitutionally mandated limit on service as a member of the general assembly for the chamber in which the member was serving at the time of disablement.

11. Statewide elected officials who are accruing service under subsection 6 of this section shall continue to accrue service until the earliest of attainment of normal retirement age, termination of disability benefits, or the end of the statewide elected official's constitutionally mandated limit on service as a statewide elected official for the office in which the statewide elected official was serving at the time of disablement.

104.436. FINANCING PATTERN FOR CONTRIBUTION DETERMINATIONS — COMMISSIONER OF ADMINISTRATION TO CERTIFY PAYMENT. — 1. The board intends to follow a financing pattern which computes and requires contribution amounts which, expressed as percents of active member payroll, will remain approximately level from year to year and from one generation of citizens to the next generation. Such contribution determinations require regular actuarial valuations, which shall be made by the board's actuary, using assumptions and methods adopted by the board after consulting with its actuary. The entry age normal cost valuation method shall be used in determining the normal cost, and contributions for unfunded accrued liabilities shall be determined using level percent-of-payroll amortization calculation.

2. At least ninety days before each regular session of the general assembly, the board shall certify to the division of budget the contribution rate necessary to cover the liabilities of the plan administered by the system, including costs of administration, expected to accrue during the next appropriation period. The commissioner of administration shall request appropriation of the amount calculated pursuant to the provisions of this subsection. Following each pay period, the commissioner of administration shall requisition and certify the payment to the executive director of the Missouri state employees' retirement system. The executive director shall promptly deposit the amounts certified to the credit of the Missouri state employees' retirement fund.

3. The employers of members of the system who are not paid out of funds that have been deposited in the state treasury shall remit promptly to the executive director an amount equal to the amount which the state would have paid if those members had been paid entirely from state funds. The executive director shall promptly deposit the amounts certified to the credit of the Missouri state employees' retirement system fund.

4. These amounts are funds of the system, and shall not be commingled with any funds in the state treasury.

104.490. CORRECTION OF ERRORS IN AMOUNT PAID MEMBERS — FALSIFICATION OF RECORDS, PENALTY — SURVIVOR OR BENEFICIARY CHARGED WITH KILLING MEMBER, DENIAL OF BENEFITS, RESUMPTION OF PAYMENTS IF NOT CONVICTED. — 1. Should any error result in any member or beneficiary receiving more or less than he or she would have been entitled to receive had the error not occurred, the board shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be paid, and to this end may recover any overpayments. In all cases in which such error has been made, no such error shall be corrected unless the system discovers or is notified of such error within ten years after the [initial] member's annuity starting date or the date of error, whichever occurs later. In cases of fraud, any error discovered shall be corrected without concern to the amount of time that has passed.

2. A person who knowingly makes a false statement, or falsifies or permits to be falsified a record of the system, in an attempt to defraud the system is subject to fine or imprisonment pursuant to the Missouri revised statutes.

3. The board of trustees of the Missouri state employees' retirement system shall cease paying benefits to any survivor or beneficiary who is charged with the intentional killing of a member without legal excuse or justification. A survivor or beneficiary who is convicted of such charge shall no longer be entitled to receive benefits. If the survivor or beneficiary is not convicted of such charge, the board shall resume payment of benefits and shall pay the survivor or beneficiary any benefits that were suspended pending resolution of such charge.

104.515. INSURANCE AND DISABILITY BENEFITS TO BE KEPT IN SEPARATE ACCOUNTS — STATE'S CONTRIBUTION, AMOUNT, CONTRIBUTION TO BE MADE FROM HIGHWAY FUNDS FOR CERTAIN EMPLOYEES, WHEN — EMPLOYEES AND FAMILIES, WHO ARE COVERED FOR MEDICAL INSURANCE — PREMIUM COLLECTION FOR AMOUNT NOT COVERED BY STATE — SPECIAL CONSULTANTS, DUTIES, COMPENSATION, BENEFITS. — 1. Separate accounts for medical, life insurance and disability benefits provided pursuant to sections 104.517 and 104.518 shall be established as part of the fund. The funds, property and return on investments of the separate account shall not be commingled with any other funds, property and investment return of the system. All benefits and premiums are paid solely from the separate account for medical, life insurance and disability benefits provided pursuant to this section.

2. The state shall contribute an amount as appropriated by law and approved by the governor per month for medical benefits, life insurance and long-term disability benefits as provided pursuant to this section and sections 104.517 and 104.518. Such amounts shall include the cost of providing life insurance benefits for each active employee who is a member of the Missouri state employees' retirement system, a member of the public school retirement system and who is employed by a state agency other than an institution of higher learning, a member of the retirement system established by sections 287.812 to 287.855, the judicial retirement system, each legislator and official holding an elective state office, members not on payroll status who are receiving workers' compensation benefits, and if the state highways and transportation commission so elects, those employees who are members of the state transportation department employees' and highway patrol retirement system; if the state highways and transportation commission so elects to join the plan, the state shall contribute an amount as appropriated by law for medical benefits for those employees who are members of the transportation department employees' and highway patrol retirement system; an additional amount equal to the amount required, based on competitive bidding or determined actuarially, to fund the retired members' death benefit or life insurance benefit, or both, provided in subsection 4 of this section and the disability benefits provided in section 104.518. This amount shall be reported as a separate item in the monthly certification of required contributions which the commissioner of administration submits to the state treasurer and shall be deposited to the separate account for medical, life insurance and disability benefits.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter underscored is proposed language.

All contributions made on behalf of members of the state transportation department employees' and highway patrol retirement system shall be made from highway funds. If the highways and transportation commission so elects, the spouses and unemancipated children under twenty-three years of age of employees who are members of the state transportation department employees' and highway patrol retirement system shall be able to participate in the program of insurance benefits to cover medical expenses pursuant to the provisions of subsection 3 of this section.

3. The board shall determine the premium amounts required for participating employees. The premium amounts shall be the amount, which, together with the state's contribution, is required to fund the benefits provided, taking into account necessary actuarial reserves. Separate premiums shall be established for employees' benefits and a separate premium or schedule of premiums shall be established for benefits for spouses and unemancipated children under twenty-three years of age of participating employees. The employee's premiums for spouse and children benefits shall be established to cover that portion of the cost of such benefits which is not paid for by contributions by the state. All such premium amounts shall be paid to the board of trustees at the time that each employee's wages or salary would normally be paid. The premium amounts so remitted will be placed in the separate account for medical, life insurance and disability benefits. In lieu of the availability of premium deductions, the board may establish alternative methods for the collection of premium amounts.

4. Each special consultant eligible for life benefits employed by a board of trustees of a retirement system as provided in section 104.610 who is a member of the Missouri state life insurance plan or Missouri state transportation department and Missouri state highway patrol life insurance plan shall, in addition to duties prescribed in section 104.610 or any other law, and upon request of the board of trustees, give the board, orally or in writing, a short detailed statement on life insurance and death benefit problems affecting retirees. As compensation for the extra duty imposed by this subsection, any special consultant as defined above, other than a special consultant entitled to a deferred normal annuity pursuant to section 104.035 or 104.335, who retires on or after September 28, 1985, shall receive as a part of compensation for these extra duties, a death benefit of five thousand dollars, and any special consultant who terminates employment on or after August 28, 1999, after reaching normal or early retirement age and becomes a retiree within ~~[sixty]~~ sixty-five days of such termination shall receive five thousand dollars of life insurance coverage. In addition, each special consultant who is a member of the transportation department employees' and highway patrol retirement system medical insurance plan shall also provide the board, upon request of the board, orally or in writing, a short detailed statement on physical, medical and health problems affecting retirees. As compensation for this extra duty, each special consultant as defined above shall receive, in addition to all other compensation provided by law, nine dollars, or an amount equivalent to that provided to other special consultants pursuant to the provisions of section 103.115. In addition, any special consultant as defined in section 287.820 or section 476.601 who terminates employment and immediately retires on or after August 28, 1995, shall receive as a part of compensation for these duties, a death benefit of five thousand dollars and any special consultant who terminates employment on or after August 28, 1999, after reaching the age of eligibility to receive retirement benefits and becomes a retiree within ~~[sixty]~~ sixty-five days of such termination shall receive five thousand dollars of life insurance coverage.

5. Any former employee who is receiving disability income benefits from the Missouri state employees' retirement system or the transportation department employees' and highway patrol retirement system shall, upon application with the board of trustees of the Missouri consolidated health care plan or the transportation department employees and highway patrol medical plan, be made, constituted, appointed and employed by the respective board as a special consultant on the problems of the health of disability income recipients and, upon request of the board of trustees of each medical plan, give the board, orally or in writing, a short detailed statement of physical, medical and health problems affecting disability income recipients. As compensation for the extra duty imposed by this subsection,

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each such special consultant as defined in this subsection may receive, in addition to all other compensation provided by law, an amount contributed toward medical benefits coverage provided by the Missouri consolidated health care plan or the transportation employees and highway patrol medical plan pursuant to appropriations.

104.625. ANNUITIES AND LUMP SUM PAYMENTS, WHEN, DETERMINATION OF AMOUNT. —

Effective July 1, 2002, any member retiring pursuant to the provisions of sections 104.010 to 104.801, except an elected official or a member of the general assembly, who has not been paid retirement benefits and continues employment for at least two years beyond normal retirement age, may elect to receive an annuity and lump sum payment or payments, determined as follows:

(1) A retroactive starting date shall be established which shall be a date selected by the member; provided, however, that the retroactive starting date selected by the member shall not be a date which is earlier than the date when a normal annuity would have first been payable. In addition, the retroactive starting date shall not be more than five years prior to the annuity starting date, which shall be the first day of the month with respect to which an amount is paid as an annuity pursuant to this section. The member's selection of a retroactive starting date shall be done in twelve-month increments, except this restriction shall not apply when the member selects the total available time between the retroactive starting date and the annuity starting date;

(2) The prospective annuity payable as of the annuity starting date shall be determined pursuant to the provisions otherwise applicable under the law, with the exception that it shall be the amount which would have been payable had the member actually retired on the retroactive starting date under the retirement plan selected by the member. Other than for the lump sum payment or payments specified in subdivision (3) of this section, no other amount shall be due for the period between the retroactive starting date and the annuity starting date;

(3) The lump sum payable shall be ninety percent of the annuity amounts which would have been paid to the member from the retroactive starting date to the annuity starting date had the member actually retired on the retroactive starting date and received a normal annuity. The member shall ~~elect to~~ receive the lump sum amount ~~either~~ in its entirety at the same time as the initial annuity payment is made ~~or in three equal annual installments with the first payment made at the same time as the initial annuity payment~~; and

(4) ~~Any annuity payable pursuant to this section that is subject to a division of benefit order pursuant to section 104.312 shall be calculated as follows:~~

~~(a) Any service of a member between the retroactive starting date and the annuity starting date shall not be considered creditable service except for purposes of calculating the division of benefit; and~~

~~(b) The lump sum payment described in subdivision (3) of this section shall not be subject to any division of benefit order; and~~

(5) For purposes of determining annual benefit increases payable as part of the lump sum and annuity provided pursuant to this section, the retroactive starting date shall be considered the member's date of retirement.

104.810. WATER PATROL EMPLOYEES, MEMBERSHIP OPTIONS. — 1. Employees of the Missouri state water patrol who are earning creditable service in the closed plan of the Missouri state employees' retirement system and who are transferred to the division of water patrol with the Missouri state highway patrol shall elect within ninety days of January 1, 2011, to either remain a member of the Missouri state employees' retirement system or transfer membership and creditable service to the closed plan of the Missouri department of transportation and highway patrol employees' retirement system. The election shall be made in writing after the employee has received a detailed analysis comparing retirement, life insurance, disability benefits, and medical benefits of a member of the Missouri state employees' retirement system with the corresponding benefits provided an employee of the highway

patrol covered by the closed plan of the Missouri department of transportation and highway patrol employees' retirement system. In electing plan membership the employee shall acknowledge and agree that an election made under this subsection is irrevocable, and constitutes a waiver to receive retirement, life insurance, disability benefits, and medical benefits except as provided by the system elected by the employee. Furthermore, in connection with the election, the employee shall be required to acknowledge that the benefits provided by virtue of membership in either system, and any associated costs to the employee, may be different now or in the future as a result of the election and that the employee agrees to hold both systems harmless with regard to benefit differences resulting from the election. In the event an employee terminates employment and later returns to the same position, the employee shall be a member of the system in which he or she was a member prior to termination. If the employee returns to any other position, the employee shall be a member of the system that currently covers that position.

2. Employees of the Missouri state water patrol who are earning credited service in the year 2000 plan of the Missouri state employees' retirement system and who are transferred to the division of water patrol with the Missouri state highway patrol shall elect within ninety days of January 1, 2011, to either remain a member of the Missouri state employees' retirement system or transfer membership and creditable service to the year 2000 plan of the Missouri department of transportation and highway patrol employees' retirement system. The election shall be made in writing after the employee has received a detailed analysis comparing retirement, life insurance, disability benefits, and medical benefits of a member of the Missouri state employees' retirement system with the corresponding benefits provided an employee of the highway patrol covered by the year 2000 plan of the Missouri department of transportation and highway patrol employees' retirement system. In electing plan membership the employee shall acknowledge and agree that an election made under this subsection is irrevocable, and constitutes a waiver to receive retirement, life insurance, disability benefits, and medical benefits except as provided by the system elected by the employee. Furthermore, in connection with the election, the employee shall be required to acknowledge that the benefits provided by virtue of membership in either system, and any associated costs to the employee, may be different now or in the future as a result of the election and that the employee agrees to hold both systems harmless with regard to benefit differences resulting from the election.

3. The Missouri state employees' retirement system shall pay to the Missouri department of transportation and highway patrol employees' retirement system, by June 30, 2011, an amount actuarially determined to equal the liability at the time of the transfer for any employee who elects under subsection 1 or 2 of this section to transfer to the Missouri department of transportation and highway patrol employees' retirement system, to the extent that liability is funded as of the most recent actuarial valuation and based on the actuarial value of assets not to exceed one hundred percent.

4. In no event shall any employee receive service credit for the same period of service under more than one retirement system as a result of the provisions of this section.

5. The only medical coverage available for any employee who elects under subsection 1 or 2 of this section to transfer to the Missouri department of transportation and highway patrol employees' retirement system shall be the medical coverage provided in section 104.270. The effective date for commencement of medical coverage shall be July 1, 2011. However, this does not preclude medical coverage for the transferred employee as a dependent under any other health care plan.

6. Any employee who elects under subsection 1 or 2 of this section to transfer to the Missouri department of transportation and highway patrol employees' retirement system and who is also thereafter a uniformed member of the highway patrol shall be subject to the mandatory retirement age stated in section 104.081.

104.1003. DEFINITIONS. — 1. Unless a different meaning is plainly required by the context, the following words and phrases as used in sections 104.1003 to 104.1093 shall mean:

(1) "Act", the year 2000 plan created by sections 104.1003 to 104.1093;

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Matter underscored is proposed language.

(2) "Actuary", an actuary who is experienced in retirement plan financing and who is either a member of the American Academy of Actuaries or an enrolled actuary under the Employee Retirement Income Security Act of 1974;

(3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds provided for in, or authorized by, sections 104.1003 to 104.1093;

(4) "Annuity starting date" means the first day of the first month with respect to which an amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;

(5) "Beneficiary", any persons or entities entitled to receive an annuity or other benefit pursuant to sections 104.1003 to 104.1093 based upon the employment record of another person;

(6) "Board of trustees", "board", or "trustees", a governing body or bodies established for the year 2000 plan pursuant to sections 104.1003 to 104.1093;

(7) "Closed plan", a benefit plan created pursuant to this chapter and administered by a system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become a member of the closed plan, but the closed plan shall continue to function for the benefit of persons covered by and remaining in the closed plan and their beneficiaries;

(8) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by the board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

(9) "Credited service", the total credited service to a member's credit as provided in sections 104.1003 to 104.1093; except that in no case shall more than one day of credited service be credited to any member or vested former member for any one calendar day of eligible credit as provided by law;

(10) "Department", any department or agency of the executive, legislative, or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system pursuant to this chapter as otherwise provided by law;

(11) "Early retirement eligibility", a member's attainment of fifty-seven years of age and the completion of at least five years of credited service;

(12) "Effective date", July 1, 2000;

(13) "Employee" shall be any person who is employed by a department and is paid a salary or wage by a department in a position normally requiring the performance of duties of not less than one thousand forty hours per year, provided:

(a) The term "employee" shall not include any patient or inmate of any state, charitable, penal or correctional institution, or any person who is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created by this chapter;

(b) The term "employee" shall be modified as provided by other provisions of sections 104.1003 to 104.1093;

(c) The system shall consider a person who is employed in multiple positions simultaneously within a single agency to be working in a single position for purposes of determining whether the person is an employee as defined in this subdivision;

(d) [Beginning September 1, 2001, the term "year" as used in this subdivision shall mean the twelve-month period beginning on the first day of employment;

(e)] The term "employee" shall include any person as defined under paragraph (b) of subdivision (21) of subsection 1 of section 104.010 who is first employed on or after July 1, 2000, but prior to August 28, 2007;

(14) "Employer", a department;

(15) "Executive director", the executive director employed by a board established pursuant to the provisions of sections 104.1003 to 104.1093;

(16) "Final average pay", the average pay of a member for the thirty-six full consecutive months of service before termination of employment when the member's pay was greatest; or if the member was

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on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of pay the member would have received but for such leave of absence as reported and verified by the employing department; or if the member was employed for less than thirty-six months, the average monthly pay of a member during the period for which the member was employed. The board of each system may promulgate rules for purposes of calculating final average pay and other retirement provisions to accommodate for any state payroll system in which pay is received on a monthly, semimonthly, biweekly, or other basis;

(17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to 104.1093;

(18) "Investment return", or "interest", rates as shall be determined and prescribed from time to time by a board;

(19) "Member", a person who is included in the membership of the system, as set forth in section 104.1009;

(20) "Normal retirement eligibility", a member's attainment of at least sixty-two years of age and the completion of at least five or more years of credited service or, the attainment of at least forty-eight years of age with a total of years of age and years of credited service which is at least eighty or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provisions of section [104.080] 104.081, the mandatory retirement age and completion of five years of credited service or, the attainment of at least forty-eight years of age with a total of years of age and years of credited service which is at least eighty;

(21) "Pay" shall include:

(a) All salary and wages payable to an employee for personal services performed for a department; but excluding:

a. Any amounts paid after an employee's employment is terminated, unless the payment is made as a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000;

b. Any amounts paid upon termination of employment for unused annual leave or unused sick leave;

c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986 as amended and other applicable federal laws or regulations;

d. Any nonrecurring single sum payments; and

e. Any amounts for which contributions have not been made in accordance with section 104.1066;

(b) All salary and wages which would have been payable to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) All salary and wages which would have been payable to an employee on a medical leave due to employee illness, as reported and verified by the employing department;

(d) For purposes of members of the general assembly, pay shall be the annual salary provided to each senator and representative pursuant to section 21.140, plus any salary adjustment pursuant to section 21.140;

(e) The board by its rules may further define "pay" in a manner consistent with this subdivision;

(22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the person's employment record;

(23) "State", the state of Missouri;

(24) "System" or "retirement system", the Missouri state employees' retirement system or the Missouri department of transportation and highway patrol employees' retirement system, as the case may be;

(25) "Vested former member", a person entitled to receive a deferred annuity pursuant to section 104.1036;

(26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093.

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2. Benefits paid under the provisions of this chapter shall not exceed the limitations of Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan under Section 415(m) of the Internal Revenue Code of 1986, as amended. Such plan shall be created solely for the purposes described in Section 415(m)(3)(A) of the Internal Revenue Code of 1986, as amended. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

104.1018. VESTING OF BENEFITS, WHEN — REEMPLOYMENT OF MEMBER, EFFECT OF. —

1. When a member is no longer employed in a position covered by the system, membership in the system shall thereupon cease. If a member has five or more years of credited service upon such member's termination of membership, such member shall be a vested former member entitled to a deferred annuity pursuant to section 104.1036, except as otherwise provided in subsection 7 of section 104.1024. If a member has fewer than five years of credited service upon termination of membership, such former member's credited service shall be forfeited, provided that if such former member becomes reemployed in a position covered by the system, such former member shall again become a member of the system and the forfeited credited service shall be restored after receiving creditable service continuously for one year.

2. Upon a member becoming a retiree, membership shall cease and, except as otherwise provided in section 104.1039, the person shall not again become a member of the system.

3. If a vested former member becomes reemployed in a position covered by the system before such vested former member's annuity starting date, membership shall be restored with the previous credited service and increased by such reemployment.

104.1024. RETIREMENT, APPLICATION — ANNUITY PAYMENTS, HOW PAID, AMOUNT — ELECTION TO RECEIVE ANNUITY OR LUMP SUM PAYMENT FOR CERTAIN EMPLOYEES, DETERMINATION OF AMOUNT. —

1. Any member who terminates employment may retire on or after attaining normal retirement eligibility by making application in written form and manner approved by the appropriate board. The written application shall set forth the annuity starting date which shall not be earlier than the first day of the second month following the month of the execution and filing of the member's application for retirement nor later than the first day of the fourth month following the month of the execution and filing of the member's application for retirement. The payment of the annuity shall be made the last working day of each month, providing all documentation required under section 104.1027 for the calculation and payment of the benefits is received by the board.

2. A member's annuity shall be paid in the form of a life annuity, except as provided in section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service.

3. The life annuity defined in subsection 2 of this section shall not be less than a monthly amount equal to fifteen dollars multiplied by the member's full years of credited service.

4. If as of the annuity starting date of a member who has attained normal retirement eligibility the sum of the member's years of age and years of credited service equals eighty or more years and if the member's age is at least forty-eight years but less than sixty-two years, or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provision of section [104.080] 104.081, the mandatory retirement age and completion of five years of credited service, then in addition to the life annuity described in subsection 2 of this section, the member shall receive a temporary annuity equal to eight-tenths of one percent of the member's final average pay multiplied by the member's years of credited service. The temporary annuity and any cost-of-living adjustments attributable to the temporary annuity pursuant to section 104.1045 shall terminate at the end of the calendar month in

which the earlier of the following events occurs: the member's death or the member's attainment of the earliest age of eligibility for reduced Social Security retirement benefits, but no later than age sixty-two.

5. The annuity described in subsection 2 of this section for any person who has credited service not covered by the federal Social Security Act, as provided in [sections 105.300 to 105.430] subdivision (1) of subsection 7 of section 104.342, shall be calculated as follows: the life annuity shall be an amount equal to two and five-tenths percent of the final average pay of the member multiplied by the number of years of service not covered by the federal Social Security Act in addition to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service covered by the federal Social Security Act.

6. Effective July 1, 2002, any member, except an elected official or a member of the general assembly, who has not been paid retirement benefits and continues employment for at least two years beyond the date of normal retirement eligibility, may elect to receive an annuity and lump sum payment or payments, determined as follows:

(1) A retroactive starting date shall be established which shall be a date selected by the member; provided, however, that the retroactive starting date selected by the member shall not be a date which is earlier than the date when a normal annuity would have first been payable. In addition, the retroactive starting date shall not be more than five years prior to the annuity starting date. The member's selection of a retroactive starting date shall be done in twelve-month increments, except this restriction shall not apply when the member selects the total available time between the retroactive starting date and the annuity starting date;

(2) The prospective annuity payable as of the annuity starting date shall be determined pursuant to the provisions of this section, with the exception that it shall be the amount which would have been payable at the annuity starting date had the member actually retired on the retroactive starting date under the retirement plan selected by the member. Other than for the lump sum payment or payments specified in subdivision (3) of this subsection, no other amount shall be due for the period between the retroactive starting date and the annuity starting date;

(3) The lump sum payable shall be ninety percent of the annuity amounts which would have been paid to the member from the retroactive starting date to the annuity starting date had the member actually retired on the retroactive starting date and received a life annuity. The member shall [elect to] receive the lump sum amount [either] in its entirety at the same time as the initial annuity payment is made [or in three equal annual installments with the first payment made at the same time as the initial annuity payment]; and

(4) [Any annuity payable pursuant to this section that is subject to a division of benefit order pursuant to section 104.1051 shall be calculated as follows:

(a) Any service of a member between the retroactive starting date and the annuity starting date shall not be considered credited service except for purposes of calculating the division of benefit; and

(b) The lump sum payment described in subdivision (3) of this section shall not be subject to any division of benefit order; and

(5)] For purposes of determining annual benefit increases payable as part of the lump sum and annuity provided pursuant to this section, the retroactive starting date shall be considered the member's date of retirement.

7. Any vested former member who terminated employment after attaining normal retirement eligibility shall be considered a member for the purposes of this section.

104.1039. REEMPLOYMENT OF A RETIREE, EFFECT ON ANNUITY — COST-OF-LIVING ADJUSTMENTS. — If a retiree is employed as an employee by a department, the retiree shall not receive an annuity payment for any calendar month in which the retiree is so employed except, notwithstanding the provisions of section 105.684 to the contrary, those retirees serving as a member of the general assembly or as a statewide elected official under section 104.1084. While reemployed the retiree shall

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be considered to be a new employee with no previous credited service and must accrue credited service continuously for at least one year in order to receive any additional annuity. Such retiree shall receive an additional annuity in addition to the original annuity, calculated based only on the credited service and the pay earned by such retiree during reemployment and paid in accordance with the annuity option originally elected; provided such retiree who ceases to receive an annuity pursuant to this section shall not receive such additional annuity if such retiree is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created pursuant to this chapter. The original annuity and any additional annuity shall be paid commencing as of the end of the first month after the month during which the retiree's reemployment terminates. Cost-of-living adjustments paid under section 104.1045 shall not accrue while a retiree is employed as described in this section except, notwithstanding the provisions of section 105.684 to the contrary, those retirees serving as a member of the general assembly or as a statewide elected official under section 104.1084. Any future cost-of-living adjustments paid after the retiree terminates such employment will be paid in the same month as the retiree's original annual benefit increases were paid.

104.1051. ANNUITY DEEMED MARITAL PROPERTY — DIVISION OF BENEFITS — CALCULATION. — 1. Any annuity provided pursuant to the year 2000 plan is marital property and a court of competent jurisdiction may divide such annuity between the parties to any action for dissolution of marriage if at the time of the dissolution the member has at least five years of credited service pursuant to sections 104.1003 to 104.1093. A division of benefits order issued pursuant to this section:

(1) Shall not require the applicable retirement system to provide any form or type of annuity or retirement plan not selected by the member;

(2) Shall not require the applicable retirement system to commence payments until the member's annuity starting date;

(3) Shall identify the monthly amount to be paid to the former spouse, which shall be expressed as a percentage and which shall not exceed fifty percent of the amount of the member's annuity accrued during all or part of the period of the marriage of the member and former spouse excluding service accrued under subsection 2 of section 104.1021; and which shall be based on the member's vested annuity on the date of the dissolution of marriage or an earlier date as specified in the order, which amount shall be adjusted proportionately upon the annuity starting date if the member's annuity is reduced due to the receipt of an early retirement annuity or the member's annuity is reduced pursuant to section 104.1027 under an annuity option in which the member named the alternate payee as beneficiary prior to the dissolution of marriage;

(4) Shall not require the payment of an annuity amount to the member and former spouse which in total exceeds the amount which the member would have received without regard to the order;

(5) Shall provide that any annuity increases, additional years of credited service, increased final average pay, increased pay pursuant to subsections 2 and 5 of section 104.1084, or other type of increases accrued after the date of the dissolution of marriage and any temporary annuity received pursuant to subsection 4 of section 104.1024 shall accrue solely to the benefit of the member; except that on or after September 1, 2001, any cost-of-living adjustment (COLA) due after the annuity starting date shall not be considered to be an increase accrued after the date of termination of marriage and shall be part of the monthly amount subject to division pursuant to any order issued after September 1, 2001;

(6) Shall terminate upon the death of either the member or the former spouse, whichever occurs first;

(7) Shall not create an interest which is assignable or subject to any legal process;

(8) Shall include the name, address, and date of birth of both the member and the former spouse, and the identity of the retirement system to which it applies;

(9) Shall be consistent with any other division of benefits orders which are applicable to the same member;

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Matter underscored is proposed language.

(10) Shall not require the applicable retirement system to continue payments to the alternate payee if the member's retirement benefit is suspended or waived as provided by this chapter but such payments shall resume when the retiree begins to receive retirement benefits in the future.

2. A system shall provide the court having jurisdiction of a dissolution of a marriage proceeding or the parties to the proceeding with information necessary to issue a division of benefits order concerning a member of the system, upon written request from either the court, the member, or the member's spouse, citing this section and identifying the case number and parties.

3. A system shall have the discretionary authority to reject a division of benefits order for the following reasons:

- (1) The order does not clearly state the rights of the member and the former spouse;
- (2) The order is inconsistent with any law governing the retirement system.

4. Any member of the closed plan who elected the year 2000 plan pursuant to section 104.1015 and then becomes divorced and subject to a division of benefits order shall have the division of benefits order calculated pursuant to the provisions of the year 2000 plan.

5. Any annuity payable under section 104.1024 that is subject to a division of benefits order under this section shall be calculated as follows:

(1) In instances of divorce after retirement, any service or pay of a member between the retroactive starting date and the annuity starting date shall not be considered creditable service or pay; and

(2) The lump-sum payment described in subdivision (3) of subsection 6 of section 104.1024 shall not be subject to any division of benefits order.

104.1060. ERRONEOUS AMOUNT PAID, CORRECTION — PENALTY FOR FALSIFICATION — DISQUALIFICATION FROM RECEIPT OF PAYMENTS, WHEN. — 1. Should any error result in any person receiving more or less than the person would have been entitled to receive had the error not occurred, the board shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the annuity to which such person was entitled shall be paid, and to this end may recover any overpayments. In all cases in which such error has been made, no such error shall be corrected unless the system discovers or is notified of such error within ten years after the [initial] member's annuity starting date or the date of error, whichever occurs later. In cases of fraud, any error discovered shall be corrected without concern to the amount of time that has passed.

2. A person who knowingly makes a false statement, or falsifies or permits to be falsified a record of the system, in an attempt to defraud the system shall be subject to fine or imprisonment under the Missouri revised statutes.

3. A board shall not pay an annuity to any survivor or beneficiary who is charged with the intentional killing of a member, retiree or survivor without legal excuse or justification. A survivor or beneficiary who is convicted of such charge shall no longer be entitled to receive an annuity. If the survivor or beneficiary is not convicted of such charge, the board shall resume annuity payments and shall pay the survivor or beneficiary any annuity payments that were suspended pending resolution of such charge.

104.1066. ACTUARIAL VALUATIONS, METHODS USED — CERTIFICATION OF CONTRIBUTION RATE, WHEN. — 1. The year 2000 plan intends to follow a financing pattern which computes and requires contribution amounts which, expressed as percents of active member payroll, will remain approximately level from year to year and from one generation of citizens to the next generation. Such contribution determinations require regular actuarial valuations, which shall be made by the board's actuary, using assumptions and methods adopted by the board after consulting with its actuary. The entry age-normal cost valuation method shall be used in determining the normal cost], and contributions for unfunded accrued liabilities shall be determined using level percent-of-payroll amortization] calculation. For purposes of this subsection and section 104.436, the actuary shall

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determine a single contribution rate applicable to both closed plan and year 2000 plan participants and, in determining such rate, make estimates of the probabilities of closed plan participants transferring to the year 2000 plan.

2. At least ninety days before each regular session of the general assembly, the board of the Missouri state employees' retirement system shall certify to the division of budget the contribution rate necessary to cover the liabilities of the year 2000 plan administered by such system, including costs of administration, expected to accrue during the next appropriation period. The commissioner of administration shall request appropriations based upon the contribution rate so certified. From appropriations so made, the commissioner of administration shall certify contribution amounts to the state treasurer who in turn shall immediately pay the contributions to the year 2000 plan.

3. The employers of members covered by the Missouri state employees' retirement system who are not paid out of funds that have been deposited in the state treasury shall remit following each pay period to the year 2000 plan an amount equal to the amount which the state would have paid if those members had been paid entirely from state funds. Such employers shall maintain payroll records for a minimum of five years and shall produce all such records as requested by the system. The system is authorized to request from the state office of administration an appropriation out of the annual budget of any such employer in the event such records indicate that such employer has not contributed the amounts required by this section. The office of administration shall request such appropriation which shall be equal to the amount necessary to replace any shortfall in contributions as determined by the system. From appropriations so made, the commissioner of administration shall certify contribution amounts to the state treasurer who in turn shall immediately pay such contributions to the year 2000 plan.

4. At least ninety days before each regular session of the general assembly, the board of the transportation department and highway patrol retirement system shall certify to the department of transportation and the department of public safety the contribution rate necessary to cover the liabilities of the year 2000 plan administered by such system, including costs of administration, expected to accrue during the next biennial or other appropriation period. Each department shall include in its budget and in its request for appropriations for personal service the sum so certified to it by such board, and shall present the same to the general assembly for allowance. The sums so certified and appropriated, when available, shall be immediately paid to the system and deposited in the highway and transportation employees' and highway patrol retirement and benefit fund.

5. These amounts are funds of the year 2000 plan and shall not be commingled with any funds in the state treasury.

104.1072. LIFE INSURANCE BENEFITS — MEDICAL INSURANCE FOR CERTAIN RETIREES.

— 1. Each board shall provide or contract, or both, for life insurance benefits for employees covered pursuant to the year 2000 plan as follows:

(1) Employees shall be provided fifteen thousand dollars of life insurance until December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life insurance for employees covered under any retirement plan administered by the system pursuant to this chapter, persons covered by sections 287.812 to 287.856, for employees who are members of the judicial retirement system as provided in section 476.590, and, at the election of the state highways and transportation commission, employees who are members of the [highways and] Missouri department of transportation [employees'] and highway patrol employees' retirement system, in the amount equal to one times annual pay, subject to a minimum amount of fifteen thousand dollars. The board shall establish by rule or contract the method for determining the annual rate of pay and any other terms of such insurance as it deems necessary to implement the requirements pursuant to this section. Annual rate of pay shall not include overtime or any other irregular payments as determined by the board. Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee;

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Matter underscored is proposed language.

(2) Any member who terminates employment after reaching normal or early retirement eligibility and becomes a retiree within ~~[sixty]~~ sixty-five days of such termination shall receive five thousand dollars of life insurance coverage.

2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by a system if the board of trustees determines that the system should provide such insurance itself. The maximum amount of additional life insurance which may be so purchased prior to January 1, 2004, is that amount which equals six times the amount of the person's annual rate of pay, subject to any maximum established by a board, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars. The maximum amount of additional life insurance which may be so purchased on or after January 1, 2004, is an amount to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide the insurance itself.

(2) Any person defined in subdivision (1) of this subsection may retain an amount not to exceed sixty thousand dollars of life insurance following the date of his or her retirement if such person becomes a retiree the month following termination of employment and makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's annuity.

(3) In addition to the life insurance authorized in subdivision (1) of this subsection, any person for whom life insurance is provided or contracted for pursuant to this subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurer or as may be required by the system if the board of trustees determines that the system should provide such insurance itself.

(4) Effective July 1, 2000, any member who applies and is eligible to receive an annuity based on the attainment of at least forty-eight years of age with a total of years of age and years of credited service which is at least eighty shall be eligible to retain any optional life insurance described in subdivision (1) of this subsection. The amount of such retained insurance shall not be greater than the amount in effect during the month prior to termination of employment. Such insurance may be retained until the member's attainment of the earliest age for eligibility for reduced Social Security retirement benefits but no later than age sixty-two, at which time the amount of such insurance that may be retained shall be that amount permitted pursuant to subdivision (2) of this subsection.

3. The state highways and transportation commission may provide for insurance benefits to cover medical expenses for members of the ~~[highways and]~~ Missouri department of transportation ~~[employees']~~ and highway patrol employees' retirement system. The state highways and transportation commission may provide medical benefits for dependents of members and for retired members. Contributions by the state highways and transportation commission to provide the benefits shall be on the same basis as provided for other state employees pursuant to the provisions of section 104.515. Except as otherwise provided by law, the cost of benefits for dependents of members and for retirees and their dependents shall be paid by the members or retirees. The commission may contract with other persons or entities including but not limited to third-party administrators, health network providers and health maintenance organizations for all, or any part of, the benefits provided for in this section. The commission may require reimbursement of any medical claims paid by the commission's medical plan for which there was third-party liability.

4. The [highways and] Missouri department of transportation [employees'] and highway patrol employees' retirement system may request the state highways and transportation commission to provide life insurance benefits as required in subsections 1 and 2 of this section. If the state highways and transportation commission agrees to the request, the [highways and] Missouri department of transportation [employees'] and highway patrol employees' retirement system shall reimburse the state highways and transportation commission for any and all costs for life insurance provided pursuant to subdivision (2) of subsection 1 of this section. The person who is covered pursuant to subsection 2 of this section shall be solely responsible for the costs of any additional life insurance. In lieu of the life insurance benefit in subdivision (2) of subsection 1 of this section, the [highways and] Missouri department of transportation [employees'] and highway patrol employees' retirement system is authorized in its sole discretion to provide a death benefit of five thousand dollars.

5. To the extent that the board enters or has entered into any contract with any insurer or service organization to provide life insurance provided for pursuant to this section:

(1) The obligation to provide such life insurance shall be primarily that of the insurer or service organization and secondarily that of the board;

(2) Any member who has been denied life insurance benefits by the insurer or service organization and has exhausted all appeal procedures provided by the insurer or service organization may appeal such decision by filing a petition against the insurer or service organization in a court of law in the member's county of residence; and

(3) The board and the system shall not be liable for life insurance benefits provided by an insurer or service organization pursuant to this section and shall not be subject to any cause of action with regard to life insurance benefits or the denial of life insurance benefits by the insurer or service organization unless the member has obtained judgment against the insurer or service organization for life insurance benefits and the insurer or service organization is unable to satisfy that judgment.

104.1084. RETIREMENT BENEFITS, GENERAL ASSEMBLY MEMBERS AND STATEWIDE ELECTED OFFICIALS — COLA PERMITTED, WHEN — INELIGIBILITY FOR BENEFITS — LONG-TERM DISABILITY, CONTINUED SERVICE CREDIT ACCRUAL. — 1. For members of the general assembly, the provisions of this section shall supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement eligibility" means attainment of age fifty-five for a member who has served at least three full biennial assemblies or the attainment of at least age fifty for a member who has served at least three full biennial assemblies with a total of years of age and years of credited service which is at least eighty. A member shall receive two years of credited service for every full biennial assembly served. A full biennial assembly shall be equal to the period of time beginning on the first day the general assembly convenes for a first regular session until the last day of the following year. If a member serves less than a full biennial assembly, the member shall receive credited service for the pro rata portion of the full biennial assembly served.

2. For the purposes of section 104.1024, the normal retirement annuity of a member of the general assembly shall be an amount for life equal to one twenty-fourth of the monthly pay for a senator or representative on the annuity starting date multiplied by the years of credited service as a member of the general assembly. In no event shall any such member or eligible beneficiary receive annuity amounts in excess of one hundred percent of pay.

3. To be covered by the provisions of section 104.1030, or section 104.1036, a member of the general assembly must have served at least three full biennial assemblies.

4. For members who are statewide elected officials, the provisions of this section shall supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement eligibility" means attainment of age fifty-five for a member who has served at least four years as a statewide elected official, or the attainment of age fifty with a total of years of age and years of such credited service which is at least eighty.

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5. For the purposes of section 104.1024, the normal retirement annuity of a member who is a statewide elected official shall be an amount for life equal to one twenty-fourth of the monthly pay in the highest office held by such member on the annuity starting date multiplied by the years of credited service as a statewide elected official not to exceed twelve years.

6. To be covered by the provisions of sections 104.1030 and 104.1036, a member who is a statewide elected official must have at least four years as a statewide elected official.

7. The provisions of section 104.1045 shall not apply to persons covered by the general assembly and statewide elected official provisions of this section. Persons covered by the general assembly provisions and receiving a year 2000 plan annuity shall be entitled to a cost-of-living adjustment (COLA) when there are increases in pay for members of the general assembly. Persons covered by the statewide elected official provisions and receiving a year 2000 plan annuity shall be entitled to COLAs when there are increases in the pay for statewide elected officials in the highest office held by such person. The COLA described in this subsection shall be equal to and concurrent with the percentage increase in pay as described in section 105.005. No COLA shall be less than zero.

8. Any member who serves under this chapter as a member of the general assembly or as a statewide elected official on or after August 28, 1999, shall not be eligible to receive any retirement benefits from the system under either the closed plan or the year 2000 plan based on service rendered on or after August 28, 1999, as a member of the general assembly or as a statewide elected official if such member is convicted of a felony that is determined by a court of law to have been committed in connection with the member's duties either as a member of the general assembly or as a statewide elected official, unless such conviction is later reversed by a court of law.

9. A member of the general assembly who has purchased or transferred creditable service shall not be subject to the cap on benefits pursuant to subsection 2 of this section for that portion of the benefit attributable to the purchased or transferred service.

10. For the purposes of section 104.1042, the service credit accrued by a member of the general assembly while receiving long-term disability benefits shall continue to accrue until the earliest of attainment of normal retirement eligibility, termination of disability benefits, or the end of the member's constitutionally mandated limit on service as a member of the general assembly for the chamber in which the member was serving at the time of disablement.

11. For the purposes of section 104.1042, the service credit accrued by a statewide elected official while receiving long-term disability benefits shall continue to accrue until the earliest of attainment of normal retirement eligibility, termination of disability benefits, or the end of the statewide elected official's constitutionally mandated limit on service as a statewide elected official for the office in which the statewide elected official was serving at the time of disablement.

104.1091. NEW EMPLOYEES, NORMAL RETIREMENT ELIGIBILITY — VESTING REQUIREMENTS — TEMPORARY ANNUITY, WHEN — EARLY RETIREMENT ANNUITY, WHEN — MINIMUM CREDITED SERVICE REQUIREMENTS — CONTRIBUTION AMOUNT — OPTIONS — CONDITIONS FOR RETIREMENT AFTER JANUARY 1, 2018, FOR CERTAIN EMPLOYEES. — 1. Notwithstanding any provision of the year 2000 plan to the contrary, each person who first becomes an employee on or after January 1, 2011, shall be a member of the year 2000 plan subject to the provisions of this section.

2. A member's normal retirement eligibility shall be as follows:

(1) The member's attainment of at least age sixty-seven and the completion of at least ten years of credited service; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or, in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, such member's attainment of at least age sixty or the attainment of at least age fifty-five with ten years of credited service;

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(2) For members of the general assembly, the member's attainment of at least age sixty-two and the completion of at least three full biennial assemblies; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety;

(3) For statewide elected officials, the official's attainment of at least age sixty-two and the completion of at least four years of credited service; or the official's attainment of at least age fifty-five with the sum of the official's age and credited service equaling at least ninety.

3. A vested former member's normal retirement eligibility shall be based on the attainment of at least age sixty-seven and the completion of at least ten years of credited service.

4. A temporary annuity paid pursuant to subsection 4 of section 104.1024 shall be payable if the member has attained at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, the temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-five with ten years of credited service.

5. A member, other than a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, shall be eligible for an early retirement annuity upon the attainment of at least age sixty-two and the completion of at least ten years of credited service. A vested former member who terminated employment prior to the attainment of early retirement eligibility shall not be eligible for early retirement.

6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied pursuant to subsection 7 of section 104.1021 and section 104.1090 shall not apply to members covered by this section.

7. The minimum credited service requirements of five years contained in sections 104.1018, 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this section. The normal and early retirement eligibility requirements in this section shall apply for purposes of administering section 104.1087.

8. A member shall be required to contribute four percent of the member's pay to the retirement system, which shall stand to the member's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable under the year 2000 plan, subject to the following provisions:

(1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the member under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the member's pay that is includable in the member's gross income for federal income tax purposes;

(2) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of pay to a member. A deduction shall be made from each member's pay equal to the amount of the member's contributions picked up by the employer. This deduction, however, shall not reduce the member's pay for purposes of computing benefits under the retirement system pursuant to this chapter;

(3) Member contributions so picked up shall be credited to a separate account within the member's individual account so that the amounts contributed pursuant to this section may be distinguished from the amounts contributed on an after-tax basis;

(4) The contributions, although designated as employee contributions, shall be paid by the employer in lieu of the contributions by the member. The member shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system;

(5) Interest shall be credited annually on June thirtieth based on the value in the account as of July first of the immediately preceding year at a rate of four percent. Effective June 30, 2014, and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment rate that is published by the

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United States Department of the Treasury, or its successor agency, for fifty-two week treasury bills for the relevant auction that is nearest to the preceding July first, or a successor treasury bill investment rate as approved by the board if the fifty-two week treasury bill is no longer issued. Interest credits shall cease upon termination of employment if the member is not a vested former member. Otherwise, interest credits shall cease upon retirement or death;

(6) A vested former member or a former member who is not vested may request a refund of his or her contributions and interest credited thereon. If such member is married at the time of such request, such request shall not be processed without consent from the spouse. Such member is not eligible to request a refund if such member's retirement benefit is subject to a division of benefit order pursuant to section 104.1051. Such refund shall be paid by the system ~~after~~ within an administratively reasonable period but no sooner than ninety days from the date of termination of employment ~~for the request, whichever is later, and~~. The amount refunded shall include all employee contributions made to any retirement plan administered by the system and interest credited thereon. A vested former member may not request a refund after such member becomes eligible for normal retirement. A vested former member or a former member who is not vested who receives a refund shall forfeit all the member's credited service and future rights to receive benefits from the system and shall not be eligible to receive any [long-term] disability benefits; provided that any member or vested former member receiving [long-term] disability benefits shall not be eligible for a refund. If such member subsequently becomes an employee and works continuously for at least one year, the credited service previously forfeited shall be restored if the member returns to the system the amount previously refunded plus interest at a rate established by the board;

(7) The beneficiary of any member who made contributions shall receive a refund upon the member's death equal to the amount, if any, of such contributions and interest credited thereon less any retirement benefits received by the member unless an annuity is payable to a survivor or beneficiary as a result of the member's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount, if any, of the member's contributions less any annuity amounts received by the member and the survivor or beneficiary.

9. The employee contribution rate, the benefits provided under the year 2000 plan to members covered under this section, and any other provision of the year 2000 plan with regard to members covered under this section may be altered, amended, increased, decreased, or repealed, but only with respect to services rendered by the member after the effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

10. For purposes of members covered by this section, the options under section 104.1027 shall be as follows:

Option 1.

A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty-eight and one half percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-seven years, an increase of three-tenths of one percent for each year the retiree's age is younger than age sixty-seven years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of three-tenths of one percent for each year of age difference; provided, after all adjustments the option 1 percent cannot exceed ninety-four and one quarter percent. Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 2.

A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty-one percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-seven years, an increase of four-tenths of one percent for each year the retiree's age is younger than sixty-seven years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of five-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of five-tenths of one percent for each year of age difference; provided, after all adjustments the option 2 percent cannot exceed eighty-seven and three quarter percent. Upon the retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 3.

A retiree's life annuity shall be reduced to ninety-three percent of the annuity otherwise payable. If the retiree dies before having received one hundred twenty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred twenty-month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred twenty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

Option 4.

A retiree's life annuity shall be reduced to eighty-six percent of the annuity otherwise payable. If the retiree dies before having received one hundred eighty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred eighty-month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred eighty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

11. The provisions of subsection 6 of section 104.1024 shall not apply to members covered by this section.

12. Effective January 1, 2018, a member who is not a statewide elected official or a member of the general assembly shall be eligible for retirement under this subsection subject to the following conditions:

(1) A member's normal retirement eligibility shall be based on the attainment of at least age sixty-seven and the completion of at least five years of credited service; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, such member's attainment of at least age sixty or the attainment of at least age fifty-five with five years of credited service;

(2) A vested former member's normal retirement eligibility shall be based on the attainment of at least age sixty-seven and the completion of at least five years of credited service, except that a vested former member who terminates employment after the attainment of normal retirement eligibility as described in subdivision (1) of this subsection shall be covered under such subdivision;

(3) A temporary annuity paid under subsection 4 of section 104.1024 shall be payable if the member has attained at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, the temporary

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annuity shall be payable if the member has attained at least age sixty, or at least age fifty-five with five years of credited service;

(4) A member, other than a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, shall be eligible for an early retirement annuity upon the attainment of at least age sixty-two and the completion of at least five years of credited service. A vested former member who terminated employment prior to the attainment of early retirement eligibility shall not be eligible for early retirement;

(5) The normal and early retirement eligibility requirements in this subsection shall apply for purposes of administering section 104.1087;

(6) The survivor annuity payable under section 104.1030 for vested former members who terminated employment prior to the attainment of early retirement eligibility and who are covered by this section shall not be payable until the deceased member would have reached his or her normal retirement eligibility under this subsection;

(7) The annual cost-of-living adjustment payable under section 104.1045 shall not commence until the second anniversary of [a vested former member's] the annuity starting date for vested former members who terminated employment prior to the attainment of early retirement eligibility and who are covered by this subsection;

(8) The unused sick leave credit granted under subsection 2 of section 104.1021 shall not apply to members covered by this subsection unless the member terminates employment after reaching normal retirement eligibility or becoming eligible for an early retirement annuity under this subsection; and

(9) The minimum credited service requirements of five years contained in sections 104.1018, 104.1030, 104.1036, and 104.1051 shall be five years for members covered by this subsection.

143.114. DEDUCTION FOR SALES OR EXCHANGES OF EMPLOYER SECURITIES TO A QUALIFIED MISSOURI EMPLOYEE STOCK OWNERSHIP PLAN — INFORMATION PROVIDED TO FORMER EMPLOYEES UPON SEPARATION. — 1. As used in this section, the following terms mean:

(1) "Commercial domicile", the principal place from which the trade or business of the taxpayer is directed or managed;

(2) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed;

(3) "Employer securities", the same meaning as defined under Section 409(l) of the Internal Revenue Code of 1986, as amended;

(4) "Missouri corporation", a corporation whose commercial domicile is in this state;

(5) "Qualified Missouri employee stock ownership plan", an employee stock ownership plan, as defined under Section 4975(e)(7) of the Internal Revenue Code of 1986, as amended, and trust that is established by a Missouri corporation for the benefit of the employees of the corporation;

(6) "Taxpayer", an individual, firm, partner in a firm, corporation, partnership, shareholder in an S corporation, or member of a limited liability company subject to the income tax imposed under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, [2017] 2023, in addition to all other modifications allowed by law, a taxpayer shall be allowed a deduction from the taxpayer's federal adjusted gross income when determining Missouri adjusted gross income in an amount equal to fifty percent of the net capital gain from the sale or exchange of employer securities of a Missouri corporation to a qualified Missouri employee stock ownership plan if, upon completion of the transaction, the qualified Missouri employee stock ownership plan owns at least thirty percent of all outstanding employer securities issued by the Missouri corporation.

3. Whenever an employee leaves a Missouri corporation with a qualified Missouri employee stock ownership plan, the Missouri corporation shall inform the former employee of the deadline for when

the former employee shall decide whether they will receive their shares of employer securities or compensation for their shares of employer securities.

4. The department of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

[5. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first, six years after October 14, 2016, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first, twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

168.082. RETIREMENT BENEFITS, SPEECH-LANGUAGE PATHOLOGY ASSISTANT CONSIDERED SPEECH IMPLEMENTER, WHEN. — For the purposes of determining retirement benefits, any person who was employed as a speech implementer before August 1, 2022, that is employed in a position on or after August 28, 2023, as a speech-language pathology assistant, shall be considered a speech implementer for purposes of certification that the department of elementary and secondary education required such person to hold before August 1, 2022, and for purposes of consideration of Social Security coverage. Such person shall not be considered a speech implementer, as described in this section, when such person dies, retires, or no longer works in a speech-language pathology assistant position. The term "speech-language pathology assistant" as used in this section shall have the same meaning as such term is defined in section 345.015.

169.070. RETIREMENT ALLOWANCES, HOW COMPUTED, ELECTION ALLOWED, TIME PERIOD — OPTIONS — EFFECT OF FEDERAL O.A.S.I. COVERAGE — COST-OF-LIVING ADJUSTMENT AUTHORIZED — LIMITATION OF BENEFITS — EMPLOYMENT OF SPECIAL CONSULTANT, COMPENSATION, MINIMUM BENEFITS. — 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) Two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter underscored is proposed language.

(4) Two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) Two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) Two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) Two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;

(8) [Between July 1, 2001, and July 1, 2014,] Two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is [thirty-one] thirty-two years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2.

Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1; or

Option 3.

Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; or

Option 4.

Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; or

Option 5.

Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the total of the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; or

Option 6.

Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the total of the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving children in equal shares,

surviving parents in equal shares, or estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the estate of the member, in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

7. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual

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salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

12. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

13. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases

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in a fiscal year, there will be no increase in allowances for retired members on the following January first.

14. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 13 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

15. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

16. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

17. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

18. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

19. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided

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by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 13 of this section.

20. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

21. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary, the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the retired member, in that order of precedence, shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

22. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

23. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

24. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

169.331. RETIRED TEACHERS MAY TEACH FULL TIME WITHOUT LOSS OF BENEFITS, WHEN — SCHOOL DISTRICT REQUIREMENTS. — 1. Notwithstanding any other provision of sections

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169.270 to 169.400 to the contrary, a retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.270 to 169.400 may, without losing his or her retirement benefit, teach full time for up to ~~[two]~~ four years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school district. The total number of such retired certificated teachers shall not exceed, at any one time, ~~[fifteen]~~ thirty certificated teachers.

2. The employer's contribution rate shall be paid by the hiring school district and the employee's contribution rate shall be paid by the employee.

3. Any additional actuarial costs resulting from the hiring of a retired certificated teacher pursuant to the provisions of this section shall be paid by the hiring school district.

4. In order to hire teachers pursuant to the provisions of this section, the school district shall:

- (1) Show a good faith effort to fill positions with nonretired certificated teachers;
- (2) Post the vacancy for at least one month;
- (3) Have not offered early retirement incentives for either of the previous two years;
- (4) Solicit applications through the local newspaper, other media, or teacher education programs;
- (5) Determine there is an insufficient number of eligible applicants for the advertised position; and
- (6) Declare a critical shortage of certificated teachers that is active for one year.

5. Any person hired pursuant to this section shall be included in the State Director of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.

169.560. RETIREES MAY BE EMPLOYED, WHEN — SALARY AMOUNT, EFFECT ON BENEFITS, EXCEPTION. —

1. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity for an employer included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employer's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employer does not utilize a salary schedule, or if the position in question is not subject to the employer's salary schedule, a retiree employed in accordance with the provisions of this subsection may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position by the employer that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall contribute to the retirement system if the person satisfies the retirement system's membership eligibility requirements. In addition to the conditions set forth above, this subsection shall apply to any person retired and currently receiving a retirement allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third party or is performing work as an independent contractor, if such person is performing work for an employer included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers

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in Missouri if such person was employed by the district. The retirement system may require the employer, the third-party employer, the independent contractor, and the retiree subject to this subsection to provide documentation showing compliance with this subsection. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this subsection.

2. Notwithstanding any other provision of this section, any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141, other than for disability, may be employed by an employer included in the retirement system created by those sections in a position that does not normally require a person employed in that position to be duly certificated under the laws governing the certification of teachers in Missouri, and through such employment may earn, beginning on August 28, 2023, and ending on June 30, 2028, up to [sixty percent of the minimum teacher's salary as set forth in section 163.172] one hundred thirty-three percent of the annual earnings exemption amount applicable to a Social Security recipient before the calendar year of attainment of full retirement age under 20 CFR 404.430, and, after June 30, 2028, up to the annual earnings exemption amount applicable to a Social Security recipient before the calendar year of attainment of full retirement age under 20 CFR 404.430, without a discontinuance of the person's retirement allowance from the retirement system. The Social Security annual earnings exemption amount applied shall be the exemption amount in effect for the calendar year in which the school year begins. Such person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment, and such person shall not earn membership service for such employment. The employer's contribution rate shall be paid by the hiring employer into the public education employee retirement system established by sections 169.600 to 169.715. If such a person is employed in any capacity by an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall become a member of and contribute to any retirement system described in this subsection if the person satisfies the retirement system's membership eligibility requirements. The provisions of this subsection shall not apply to any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141 employed by a public community college or employer under subsection 4 of section 169.130.

169.596. RETIRED TEACHER MAY TEACH FULL TIME WITHOUT LOSS OF RETIREMENT BENEFITS, WHEN — SCHOOL DISTRICT REQUIREMENTS. — 1. Notwithstanding any other provision of this chapter to the contrary, a retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.010 to 169.141 may, without losing his or her retirement benefit, teach full time for up to [two] four years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school district, and provided that no such retired certificated teacher shall be employed as a superintendent. The total number of such retired certificated teachers shall not exceed, at any one time, the [lesser of ten] greater of one percent of the total [teacher] certificated teachers and noncertificated staff for that school district, or five certificated teachers.

2. Notwithstanding any other provision of this chapter to the contrary, a person receiving a retirement benefit from the retirement system established pursuant to sections 169.600 to 169.715 may, without losing his or her retirement benefit, be employed full time for up to [two] four years for a school district covered by such retirement system; provided that the school district has a shortage of noncertificated employees, as determined by the school district. The total number of such retired noncertificated employees shall not exceed, at any one time, the lesser of ten percent of the total noncertificated staff for that school district, or five employees.

3. The employer's contribution rate shall be paid by the hiring school district.

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Matter underscored is proposed language.

4. In order to hire teachers and noncertificated employees pursuant to the provisions of this section, the school district shall:

- (1) Show a good faith effort to fill positions with nonretired certificated teachers or nonretired noncertificated employees;
- (2) Post the vacancy for at least one month;
- (3) Have not offered early retirement incentives for either of the previous two years;
- (4) Solicit applications through the local newspaper, other media, or teacher education programs;
- (5) Determine there is an insufficient number of eligible applicants for the advertised position; and
- (6) Declare a critical shortage of certificated teachers or noncertificated employees that is active for one year.

5. Any person hired pursuant to this section shall be included in the State Directory of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.

173.1205. OWNERSHIP OR MEMBERSHIP INTEREST IN ENTITIES, NOT DEEMED GOVERNMENTAL OR QUASI-GOVERNMENTAL BODIES, WHEN. — 1. Notwithstanding any other provision of law, a for-profit or not-for-profit entity in which a public institution of higher education holds an ownership or membership interest shall not be deemed to be a public governmental body, quasi-public governmental body, or part of a public governmental body or quasi-public governmental body or otherwise subject to chapter 610, if such entity is engaged primarily in activities involving current or prospective commercialization of the skills or knowledge of the institution's faculty or of the institution's research, research capabilities, intellectual property, technology, or technological resources, provided that the public institution of higher education maintains as an open record an annual report, available no later than October first each year, identifying:

- (1) The name and address of the entity, the amount of funds paid to such entity by the institution, any nonmonetary benefits received by the entity from the institution, and the purpose for which such funds were paid or benefits provided;
- (2) The amount of funds received by the institution from such entity; and
- (3) Any employees of the institution who received funds or other things of value from such entity and the purpose and amount of such funds or other things of value.

2. This provision shall not be construed to broaden the definition of public governmental body found in section 610.010, nor shall it otherwise be construed to mean, imply, or suggest that any entity constitutes a public governmental body unless such entity meets the definition of that term found in section 610.010.

3. Notwithstanding any other provision of law, meetings, records, and votes may be closed to the extent that they relate to records or information submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal or agreement to license intellectual property or perform sponsored research, in connection with opportunities for or results of collaboration involving students, faculty, or staff, in connection with investments in or financial transactions with business entities for investment purposes, or in connection with activities by the public institution of higher education to promote or pursue economic development and which contain sales projections or other business plan, financial information, or trade secrets the disclosure of which may endanger the competitiveness of a business.

285.1000. DEFINITIONS. — For purposes of sections 285.1000 to 285.1055, the following terms shall mean:

- (1) "Administrative fund" or "Show-Me MyRetirement Savings administrative fund", the Show-Me MyRetirement Savings administrative fund described in section 285.1045;
- (2) "Association", any legal association of individuals, corporations, limited liability companies, partnerships, associations, or other entities that has been in continuous existence for at least one year;

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(3) "Board", the Show-Me MyRetirement Savings board established under section 285.1005;

(4) "Eligible employee", an individual who is employed by a participating employer, who has wages or other compensation that is allocable to the state, and who is eighteen years of age or older. "Eligible employee" shall not include any of the following:

(a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. Section 151;

(b) Any employee on whose behalf an employer makes contributions to a multiemployer pension trust fund under 29 U.S.C. Section 186; or

(c) Any individual who is an employee of:

a. The federal government;

b. Any state government in the United States; or

c. Any county, municipal corporation, or political subdivision of any state in the United States;

(5) "Eligible employer", a person or entity engaged in a business, industry, profession, trade, or other enterprise in the state of Missouri, whether for profit or not for profit, provided that such a person or entity employs no more than fifty employees. A person or entity that qualifies as an eligible employer but that later employs more than fifty employees shall be permitted to remain an eligible employer for a period of five years, beginning on the date on which the person or entity first employs more than fifty employees. After such five-year period has ended, the person or entity shall immediately cease to qualify as an eligible employer and shall be prohibited from further participation in the plan unless the employer no longer has more than fifty employees. An employer includes an association and its members. For purposes of this subdivision, an eligible employer shall not include:

(a) The federal government;

(b) The state of Missouri;

(c) Any county, municipal corporation, or political subdivision of the state of Missouri; or

(d) Five years after the commencement of the program, an employer that maintains a specified tax-favored retirement plan, other than the Show-Me MyRetirement Savings plan, for its employees or that has effectively done so in form and operation at any time within the current or two preceding calendar years. If an employer does not maintain a specified tax-favored retirement plan, other than the Show-Me MyRetirement Savings plan, for a portion of a calendar year ending on or after the effective date of sections 285.1000 to 285.1055 and adopts such a plan effective for the remainder of that calendar year, the employer shall not be treated as an eligible employer for that remainder of the year;

(6) "ERISA", the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. Section 1001 et seq.;

(7) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;

(8) "Participant", an eligible employee or other individual who has a balance credited to his or her account under the plan;

(9) "Participating employer", an eligible employer that is participating in the plan provided for by sections 285.1000 to 285.1055;

(10) "Plan" or "Show-Me MyRetirement Savings plan", the multiple-employer retirement savings plan established by sections 285.1000 to 285.1055, which shall be treated as a single plan under Title I of ERISA and is described in Sections 401(a), 401(k), and 413(c) of the Internal Revenue Code of 1986, as amended, in which multiple employers may choose to participate regardless of whether any relationship exists between and among the employers other than their participation in the plan. Based on the context, the term "plan" may also refer to multiple plans if multiple plans are established under sections 285.1000 to 285.1055;

(11) "Self-employed individual", an individual who is eighteen years of age or older, is self-employed, and has self-employment income or other compensation from self-employment that is allocable to the state of Missouri;

(12) "Specified tax-favored retirement plan", a retirement plan that is tax-qualified under, or is described in and satisfies the requirements of, Section 401(a), 401(k), 403(a), 403(b), 408(k)(Simplified Employee Pension), or 408(p)(SIMPLE-IRA) of the Internal Revenue Code of 1986, as amended;

(13) "Total fees and expenses", all fees, costs, and expenses including, but not limited to, administrative expenses, investment expenses, investment advice expenses, accounting costs, actuarial costs, legal costs, marketing expenses, education expenses, trading costs, insurance annuitization costs, and other miscellaneous costs;

(14) "Trust", the trust in which the assets of the plan are held.

285.1005. BOARD ESTABLISHED, MEMBERS, TERMS, EXPENSES, QUORUM. — 1. The "Show-Me MyRetirement Savings Board" is hereby established in the office of the state treasurer.

2. The board shall consist of the following members, with the state treasurer, or his or her designee, serving as chair:

(1) The state treasurer, or his or her designee;

(2) An individual who has skill, knowledge, and experience in the field of retirement savings and investments, to be appointed by the governor with the advice and consent of the senate;

(3) An individual who has skill, knowledge, and experience relating to small business, to be appointed by the governor with the advice and consent of the senate;

(4) Three members of the house of representatives, to be appointed by the speaker of the house of representatives, to include one representative from the minority party; and

(5) Three members of the senate, to be appointed by the president pro tempore of the senate, to include one senator from the minority party.

3. The governor, the president pro tempore of the senate, and the speaker of the house of representatives shall make the respective initial appointments to the board for terms of office beginning on January 1, 2024.

4. Members of the board appointed by the governor, the president pro tempore of the senate, and the speaker of the house of representatives shall serve at the pleasure of the appointing authority.

5. The term of office of each member of the board shall be four years. Any member is eligible to be reappointed. If there is a vacancy for any reason, the appropriate appointing authority shall make an appointment, to become immediately effective, for the unexpired term.

6. All members of the board shall serve without compensation and shall be reimbursed from the administrative fund for necessary travel expenses incurred in carrying out the duties of the board.

7. A majority of the voting members of the board shall constitute a quorum for the transaction of business.

285.1010. DUTIES OF BOARD. — 1. The board, subject to the authority granted under sections 285.1000 to 285.1055, shall design, develop, and implement the plan and, to that end, may conduct market, legal, and feasibility analyses.

2. The members of the board shall be fiduciaries of the plan under ERISA, and the board shall have the following powers, authorities, and duties:

(1) To establish, implement, and maintain the plan, in each case acting on behalf of the state of Missouri, including, in its discretion, more than one plan;

(2) To cause the plan, trust, and arrangements and accounts established under the plan to be designed, established, and operated:

(a) In accordance with best practices for retirement savings vehicles;

(b) To encourage participation, saving, sound investment practices, and appropriate selection of default investments;

(c) To maximize simplicity and ease of administration for eligible employers;

(d) To minimize costs, including by collective investment and economies of scale; and

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(e) To promote portability of benefits;

(3) To arrange for collective, common, and pooled investment of assets of the plan and trust, including investments in conjunction with other funds with which assets are permitted to be collectively invested, to save costs through efficiencies and economies of scale;

(4) To develop and disseminate educational information designed to educate participants and citizens about the benefits of planning and saving for retirement and to help participants and citizens decide the level of participation and savings strategies that may be appropriate, including information in furtherance of financial capability and financial literacy;

(5) To adopt rules and regulations necessary or advisable for the implementation of sections 285.1000 to 285.1055 and the administration and operation of the plan consistent with the Internal Revenue Code and regulations thereunder, including to ensure that the plan satisfies all criteria for favorable federal tax-qualified treatment, and complies, to the extent necessary, with ERISA and any other applicable federal or Missouri law. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void;

(6) To arrange for and facilitate compliance with the plan or arrangements established thereunder with all applicable requirements for the plan under the Internal Revenue Code, ERISA, and any other applicable federal or Missouri law and accounting requirements, and to provide or arrange for assistance to eligible employers, eligible employees, and self-employed individuals in complying with applicable law and tax-related requirements in a cost-effective manner. The board may establish any processes deemed reasonably necessary or advisable to verify whether a person or entity is an eligible employer, including reference to online data and possible use of questions in employer tax filings;

(7) To employ or retain a plan administrator; executive director; staff; trustee; record-keeper; investment managers; investment advisors; and other administrative, professional, and expert advisors and service providers, none of whom shall be members of the board and all of whom shall serve at the pleasure of the board, which shall determine their duties and compensation. The board may authorize the executive director and other officials to oversee requests for proposals or other public competitions and enter into contracts on behalf of the board or conduct any business necessary for the efficient operation of the plan or the board;

(8) To establish procedures for the timely and fair resolution of participant and other disputes related to accounts or program operation and, if necessary, determine the eligibility of an employer, employee, or other individual to participate in the plan;

(9) To develop and implement an investment policy that defines the plan's investment objectives, consistent with the objectives of the plan, and that provides for policies and procedures consistent with those investment objectives;

(10) (a) To designate appropriate default investments that include a mix of asset classes, such as target date and balanced funds;

(b) To seek to minimize participant fees and expenses of investment and administration;

(c) To strive to design and implement investment options available to holders of accounts established as part of the plan and other plan features that are intended to achieve maximum possible income replacement balanced with an appropriate level of risk, consistent with the investment objectives under the investment policy. The investment options may encompass a range of risk and return opportunities and allow for a rate of return commensurate with an appropriate level of risk in view of the investment objectives under the policy. The menu of investment options shall be determined taking into account the nature and objectives of the plan, the desirability of limiting investment choices under

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the plan to a reasonable number, based on behavioral research findings, and the extensive investment choices available to participants in the event that funds roll over to an individual retirement account (IRA) outside the program; and

(d) In accordance with subdivision (7) of this subsection, the board, to the extent it deems necessary or advisable, in carrying out its responsibilities and exercising its powers under sections 285.1000 to 285.1055, shall employ or retain appropriate entities or personnel to assist or advise it or to whom to delegate the carrying out of such responsibilities and exercising of such powers;

(11) To discharge its duties and see that the members of the board discharge their duties with respect to the plan solely in the interests of the participants as follows:

(a) For the exclusive purpose of providing benefits to participants and defraying reasonable expenses of administering the plan; and

(b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of a like character and with like aims;

(12) To cause expenses incurred to initiate, implement, maintain, and administer the plan to be paid from contributions to, or investment returns or assets of the plan or other moneys collected by or for the plan or pursuant to arrangements established under the plan to the extent permitted under federal and Missouri law;

(13) To collect application, account, or administrative fees and to accept any grants, gifts, legislative appropriations, loans, and other moneys from the state of Missouri; any unit of federal, state, or local government; or any other person, firm, or entity to defray the costs of administering and operating the plan;

(14) To make and enter into competitively procured contracts, agreements, or arrangements with; to collaborate and cooperate with; and to retain, employ, and contract with or for any of the following to the extent necessary or desirable for the effective and efficient design, implementation, and administration of the plan consistent with the purposes set forth in sections 285.1000 to 285.1055 and to maximize outreach to eligible employers and eligible employees:

(a) Services of private and public financial institutions, depositories, consultants, actuaries, counsel, auditors, investment advisors, investment administrators, investment management firms, other investment firms, third-party administrators, other professionals and service providers, and state public retirement systems;

(b) Research, technical, financial, administrative, and other services; and

(c) Services of other state agencies to assist the board in the exercise of its powers and duties;

(15) To develop and implement an outreach plan to gain input and disseminate information regarding the plan and retirement savings in general;

(16) To cause moneys to be held and invested and reinvested under the plan;

(17) To ensure that all contributions under the plan shall be used only to:

(a) Pay benefits to participants under the plan;

(b) Pay the costs of administering the plan; and

(c) Make investments for the benefit of the plan, and ensure that no assets of the plan or trust are transferred to the general revenue fund or to any other fund of the state or are otherwise encumbered or used for any purpose other than those specified in this paragraph or section 285.1045;

(18) To make provisions for the payment of costs of administration and operation of the program and trust;

(19) To evaluate the need for, and procure as needed, insurance against any and all loss in connection with the property, assets, or activities of the program, including fiduciary liability coverage;

(20) To evaluate the need for, and procure as needed, pooled private insurance;

(21) To indemnify, including procurement of insurance as needed for this purpose, each member of the board from personal loss or liability resulting from a member's action or inaction as a member of the board and as a fiduciary;

(22) To collaborate with, and evaluate the role of, financial advisors or other financial professionals, including in assisting and providing guidance for covered employees; and

(23) To carry out the powers and duties of the program under sections 285.1000 to 285.1055 and exercise any and all other powers as are appropriate to effect the purposes, objectives, and provisions of such sections pertaining to the program.

3. A board member, program administrator, or other staff of the board shall not:

(1) Directly or indirectly, have any interest in the making of any investment under the program or in any gains or profits accruing from any such investment;

(2) Borrow any program-related funds or deposits, or use any such funds or deposits in any manner, for himself or herself or as an agent or partner of others; or

(3) Become an endorser, surety, or obligor on investments made under the program.

4. Each board member shall be subject to the provisions of sections 105.452 and 105.454.

285.1015. SHOW-ME MY RETIREMENT SAVINGS PLAN, REQUIREMENTS. — 1. The board shall, consistent with federal law and regulation, adopt and implement the plan, which shall remain in compliance with federal law and regulations once implemented and shall be called the "Show-Me My Retirement Savings Plan".

2. In accordance with terms and conditions specified and regulations promulgated by the board, the plan shall:

(1) Be set forth in documents prescribing the terms and conditions of the plan;

(2) Be available on a voluntary basis to eligible employers and self-employed individuals;

(3) Be available to eligible members of an association who may elect to participate in the plan if the association or its members do not maintain a plan or a specified tax-favored retirement plan, other than the Show-Me My Retirement Savings plan;

(4) Enroll self-employed individuals who wish to participate;

(5) Provide participants the option to terminate their participation at any time;

(6) Allow voluntary pre-tax or designated Roth 401(k) contributions;

(7) Allow voluntary employer contributions;

(8) Be overseen by the board and its designees;

(9) Be administered and managed by one or more trustees, other fiduciaries, custodians, third-party administrators, investment managers, record-keepers, or other service providers;

(10) Provide on a uniform basis, if and when the board so determines, in its discretion, for an increase of each participant's contribution rate, by a minimum increment of one percent of salary or wages per year, for each additional year the participant is employed or is participating in the plan up to the maximum percentage of such participant's salary or wages that may be contributed to the plan under federal law. Any such increases shall apply to participants, as determined by the board, by default or only if initiated by affirmative participant election;

(11) Provide for direct deposit of contributions into investments under the plan. To the extent consistent with ERISA, the investment alternatives under the plan shall be limited to an automatic investment for participants who do not actively and affirmatively elect a particular investment option, which unless the board provides otherwise, shall be a diversified target date fund, including a series of such diversified funds to apply to different participants depending on their choice or their target retirement dates, a principal-protected option, and at least four additional investment alternatives as may be selected by the board in its discretion. To the extent consistent with ERISA, the investment options may, at the discretion of the board, include a principal-protection fund as a temporary "security corridor" option that applies as the sole initial investment before participants may choose other investments or as

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the initial default investment for a specified period of time or up to a specified dollar amount of contributions or account balance;

(12) Be professionally managed;

(13) Provide for reports on the status of each participant's account to be provided to each participant at least quarterly and make best efforts to provide participants frequent or continual online access to information on the status of their accounts;

(14) When possible and practicable, use existing employer and public infrastructure to facilitate contributions, record keeping, and outreach and use pooled or collective investment arrangements;

(15) Provide that each account holder owns the contributions to or earnings on amounts contributed to his or her account under the plan and that the state and employers have no proprietary interest in those contributions or earnings;

(16) Be designed and implemented in a manner consistent with federal law to the extent that it applies;

(17) Make provisions for the participation in the plan of individuals who are not employees, if allowed under federal law;

(18) Establish rules and procedures governing the distribution of funds from the plan, including such distributions as may be permitted or required by the plan and any applicable provisions of ERISA, the tax-qualification rules, and the other tax laws, with the objectives of maximizing financial security in retirement, protecting spousal rights, and assisting participants to effectively manage the decumulation of their savings and to receive payment of their benefits under the plan. The board shall have the authority, in its discretion, to provide for one or more reasonably priced distribution options to provide a source of fixed regular retirement income, including income for life or for the participant's life expectancy, or for joint lives and life expectancies, as applicable;

(19) Establish rules and procedures promoting portability of benefits, including the ability to make roll-overs or transfers to and from the plan that are exempt from federal income tax, provided that any roll-over is initiated by participants; and

(20) Encourage choices by employers in the state to adopt a specified tax-favored retirement plan, including the plan.

285.1020. RULES, BOARD TO ADOPT. — The board shall adopt rules to implement the plan that:

(1) Establish the processes for enrollment and contributions under the plan, including withholding by participating employers of employee payroll deduction contributions from wages and remittance for deposit to the plan; voluntary contributions by others, including self-employed individuals and independent contractors, through payroll deduction or otherwise; the making of default contributions using default investments; and participant selection of alternative contribution rates or amounts and alternative investments from among the options offered under the plan;

(2) Conduct outreach to individuals, employers, other stakeholders, and the public regarding the plan. The rules shall specify the contents, frequency, timing, and means of required disclosures from the plan to eligible employees, participants, and self-employed individuals, eligible employers, participating employers, and other interested parties. These disclosures shall include, but not be limited to:

(a) The benefits associated with tax-favored retirement saving;

(b) The potential advantages and disadvantages associated with participating in the plan;

(c) Instructions for enrolling and making contributions;

(d) The potential availability of a saver's tax credit, including the eligibility conditions for the credit and instructions on how to claim it;

(e) A disclaimer that employees seeking tax, investment, or other financial advice should contact appropriate professional advisors, and that participating employers are not in a position to provide such advice and are not liable for decisions individuals make in relation to the plan;

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(f) The potential implications of account balances under the plan for the application of asset limits under certain public assistance programs;

(g) A disclaimer that the account owner is solely responsible for investment performance, including market gains and losses, and that plan accounts and rates of return are not guaranteed by any employer, the state, the board, any board member or state official, or the plan;

(h) Any additional information about retirement and saving and other information designed to promote financial literacy and capability, which may take the form of links to, or explanations of how to obtain, such information; and

(i) Instructions on how to obtain additional information about the plan; and

(3) Ensure that the assets of the trust and plan shall at all times be preserved, invested, and expended only for the purposes set forth in sections 285.1000 to 285.1055, and that no property rights therein shall exist in favor of the state, except as provided under section 285.1045.

285.1025. EMPLOYER IMMUNITY FROM LIABILITY, WHEN. — An eligible employer, a participating employer, or other employer is not and shall not be liable for or bear responsibility for:

(1) An employee's decision as to which investments to choose;

(2) Participants' or the board's investment decisions;

(3) The administration, investment, investment returns, or investment performance of the plan including, but not limited to, any interest rate or other rate of return on any contribution or account balance, provided that the eligible employer, participating employer, or other employer is not involved in the administration or investment of the plan;

(4) The plan design or the benefits paid to participants; or

(5) Any loss, failure to realize any gain, or any other adverse consequences including, but not limited to, any adverse tax consequences or loss of favorable tax treatment, public assistance, or other benefits, incurred by any person solely and directly as a result of participating in the plan.

285.1030. NO GUARANTEED INTEREST RATE OR RATE OF RETURN — NO LIABILITY FOR LOSSES — PLAN DEBTS AND OBLIGATIONS, NOT STATE DEBTS AND OBLIGATIONS. — 1. The state of Missouri; the board; each member of the board; any other state official, state board, commission, and agency; any member, officer, and employee thereof; and the plan:

(1) Shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and

(2) Shall not be liable or responsible for any loss, deficiency, failure to realize any gain, or any other adverse consequences including, but not limited to, any adverse tax consequences or loss of favorable tax treatment, public assistance, or other benefits, incurred by any person as a result of participating in the plan.

2. The debts, contracts, and obligations of the plan or the board are not the debts, contracts, and obligations of the state, and neither the faith and credit nor the taxing power of the state is pledged directly or indirectly to the payment of the debts, contracts, and obligations of the plan or the board.

3. Nothing in sections 285.1000 to 285.1055 shall be construed to guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance.

285.1035. CONFIDENTIALITY OF INFORMATION. — 1. Individual account information relating to accounts under the plan and relating to individual participants including, but not limited to, names, addresses, telephone numbers, email addresses, personal identification information, investments, contributions, and earnings shall be confidential and shall be maintained as confidential, provided that such information may be disclosed:

(1) To the extent necessary to administer the plan in a manner consistent with sections 285.1000 to 285.1055, ERISA, the Internal Revenue Code, or any other federal or Missouri law; or

(2) If the individual who provides the information or who is the subject of the information expressly agrees in writing to the disclosure of the information.

2. Information required to be confidential under subsection 1 of this section shall be considered a "closed record" as that term is defined in section 610.010, regardless as to whether such information has been disclosed as allowed by subsection 1 of this section.

285.1040. INTERGOVERNMENTAL AGREEMENT AND MEMORANDUM OF UNDERSTANDING, WHEN. — The board may enter into an intergovernmental agreement or memorandum of understanding with the state of Missouri, another state or states, and any agency thereof to receive outreach, technical assistance, enforcement and compliance services, collection or dissemination of information pertinent to the plan, subject to such obligations of confidentiality as may be agreed or required by law, or other services or assistance. The state of Missouri, another state or states, and any agency thereof that enters into such agreements or memoranda of understanding shall collaborate to provide the outreach, assistance, information, and compliance or other services or assistance to the board. The memoranda of understanding may cover the sharing of costs incurred in gathering and disseminating information and the reimbursement of costs for any enforcement activities or assistance.

285.1045. SHOW-ME MYRETIREMENT SAVINGS ADMINISTRATIVE FUND, USE OF MONEYS — ADMINISTRATIVE COSTS, HOW PAID — COMPETITIVE BIDDING. — 1. There is hereby created in the state treasury the "Show-Me MyRetirement Savings Administrative Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Subject to appropriation, moneys in the fund shall be distributed by the state treasurer solely for the administration of sections 285.1000 to 285.1055.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The Show-Me MyRetirement Savings administrative fund shall consist of:

(1) Moneys appropriated to the administrative fund by the general assembly;

(2) Moneys transferred to the administrative fund from the federal government, other state agencies, or local governments;

(3) Moneys from the payment of application, account, administrative, or other fees and the payment of other moneys due to the board;

(4) Any gifts, donations, or grants made to the state of Missouri for deposit in the administrative fund;

(5) Moneys collected for the administrative fund from contributions to, or investment returns or assets of, the plan or other moneys collected by or for the plan or pursuant to arrangements established under the plan to the extent permitted under federal and Missouri law; and

(6) Earnings on moneys in the administrative fund.

5. To the extent consistent with ERISA, the tax qualification rules, and other federal law, the board shall accept any grants, gifts, appropriations, or other moneys from the state; any unit of federal, state, or local government; or any other person, firm, partnership, corporation, or other entity solely for deposit into the administrative fund, whether for investment or administrative expenses.

6. To enable or facilitate the start-up and continuing operation, maintenance, administration, and management of the program until the plan accumulates sufficient balances and can generate sufficient funding through fees assessed on program accounts for the plan to become financially self-sustaining:

(1) The board may borrow from the state of Missouri; any unit of federal, state, or local government; or any other person, firm, partnership, corporation, or other entity working capital funds and other funds

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as may be necessary for this purpose, provided that such funds are borrowed in the name of the plan and board only and that any such borrowings shall be payable solely from the revenues of the plan; and

(2) The board may enter into long-term procurement contracts with one or more financial providers that provide a fee structure that would assist the plan in avoiding or minimizing the need to borrow or to rely upon general assets of the state.

7. Subject to appropriation, the state of Missouri may pay administrative costs associated with the creation, maintenance, operation, and management of the plan and trust until sufficient assets are available in the administrative fund for that purpose. Thereafter, all administrative costs of the administrative fund, including any repayment of start-up funds provided by the state of Missouri, shall be repaid only out of moneys on deposit therein. However, private funds or federal funding received in order to implement the program until the administrative fund is self-sustaining shall not be repaid unless those funds were offered contingent upon the promise of such repayment.

8. The board may use the moneys in the administrative fund solely to pay the administrative costs and expenses of the plan and the administrative costs and expenses the board incurs in the performance of its duties under sections 285.1000 to 285.1055.

9. The state treasurer's office shall follow the competitive bids procedure adopted by the office of administration for the following:

(1) The contracting or hiring of a contractor with the relevant skills, knowledge, and expertise determined by the board for managing the program, every five years; and

(2) At the state treasurer's discretion, the contracting or hiring of a contractor who has qualified staff with the relevant skills, knowledge, and expertise as determined by the state treasurer's office when the number of the participants in the plan reaches fifty thousand participants.

The office of administration is authorized to provide the state treasurer's office with the necessary assistance and services as may be needed.

285.1050. RECORDKEEPING — AUDITS — REPORT, CONTENTS. — 1. The board shall keep an accurate account of all the activities, operations, receipts, and expenditures of the plan, the trust, and the board. Each year, a full audit of the books and accounts of the board pertaining to those activities, operations, receipts and expenditures, personnel, services, or facilities shall be conducted by a certified public accountant and shall include, but not be limited to, direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees for the administration of the plan. For the purposes of the audit, the auditors shall have access to the properties and records of the plan and board and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the plan.

2. By August first of each year, the board shall submit to the governor, the state treasurer, the president pro tempore of the senate, and the speaker of the house of representatives a public report on the operation of the plan and trust and activities of the board, including an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations, receipts, and expenditures of the plan and board during the preceding calendar year. The report shall also include a summary of the benefits provided by the plan, the number of participants, average account balance, the number of participating employers, the contribution formulas and amounts of contributions made by participants and by each participating employer, the withdrawals, the account balances, total assets under management, investments, investment returns, fees and expenses associated with the investments and with the administration of the plan, projected activities of the plan for the current calendar year, and any other information regarding the plan and its operations that the board may determine to provide.

285.1055. PLAN CONTRIBUTION START DATE — PHASE IN PERMITTED. — 1. The board shall establish the plan so that individuals are able to begin contributing under the plan on or before September 1, 2025.

2. The board may, in its discretion, phase in the plan so that the ability to contribute first applies on different dates for different classes of individuals, including employees of employers of different sizes or types and individuals who are not employees; provided that, any such staged or phased-in implementation schedule shall be substantially completed on or before September 1, 2025.

476.521. NEW JUDGES, BENEFITS, ELIGIBILITY REQUIREMENTS — CONTRIBUTION AMOUNT — EMPLOYMENT AFTER RETIREMENT, EFFECT OF. — 1. Notwithstanding any provision of chapter 476 to the contrary, each person who first becomes a judge on or after January 1, 2011, and continues to be a judge may receive benefits as provided in sections 476.445 to 476.688 subject to the provisions of this section.

2. Any person who is at least sixty-seven years of age, has served in this state an aggregate of at least twelve years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twelve-year requirement of this subsection may be fulfilled by service as judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twelve years. Any judge who is at least sixty-seven years of age and who has served less than twelve years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-seven, or thereafter, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twelve years.

3. Any person who is at least sixty-two years of age or older, has served in this state an aggregate of at least twenty years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twenty-year requirement of this subsection may be fulfilled by service as a judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twenty years. Any judge who is at least sixty-two years of age and who has served less than twenty years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-two, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twenty years.

4. All judges under this section required by the provisions of Section 26 of Article V of the Constitution of Missouri to retire at the age of seventy years shall retire upon reaching that age.

5. The provisions of sections 104.344, 476.524, and 476.690 shall not apply to judges covered by this section.

6. A judge shall be required to contribute four percent of the judge's compensation to the retirement system, which shall stand to the judge's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable as provided in sections 476.515 to 476.565, subject to the following provisions:

(1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the judge under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the judge's compensation that is includable in the judge's gross income for federal income tax purposes;

(2) Judge contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a judge. A deduction shall be made from each judge's

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compensation equal to the amount of the judge's contributions picked up by the employer. This deduction, however, shall not reduce the judge's compensation for purposes of computing benefits under the retirement system pursuant to this chapter;

(3) Judge contributions so picked up shall be credited to a separate account within the judge's individual account so that the amounts contributed pursuant to this section may be distinguished from the amounts contributed on an after-tax basis;

(4) The contributions, although designated as employee contributions, are being paid by the employer in lieu of the contributions by the judge. The judge shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system;

(5) Interest shall be credited annually on June thirtieth based on the value in the account as of July first of the immediately preceding year at a rate of four percent. Effective June 30, 2024, and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment rate that is published by the United States Department of the Treasury, or its successor agency, for fifty-two-week treasury bills for the relevant auction that is nearest to the preceding July first, or a successor treasury bill investment rate as approved by the board if the fifty-two-week treasury bill is no longer issued. Interest credits shall cease upon retirement or death of the judge;

(6) A judge whose employment is terminated may request a refund of his or her contributions and interest credited thereon. If such judge is married at the time of such request, such request shall not be processed without consent from the spouse. A judge is not eligible to request a refund if the judge's retirement benefit is subject to a division of benefit order pursuant to section 104.312. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later and shall include all contributions made to any retirement plan administered by the system and interest credited thereon. A judge may not request a refund after such judge becomes eligible for retirement benefits under sections 476.515 to 476.565. A judge who receives a refund shall forfeit all the judge's service and future rights to receive benefits from the system and shall not be eligible to receive any long-term disability benefits; provided that any judge or former judge receiving long-term disability benefits shall not be eligible for a refund. If such judge subsequently becomes a judge and works continuously for at least one year, the service previously forfeited shall be restored if the judge returns to the system the amount previously refunded plus interest at a rate established by the board;

(7) The beneficiary of any judge who made contributions shall receive a refund upon the judge's death equal to the amount, if any, of such contributions and interest credited thereon, less any retirement benefits received by the judge unless an annuity is payable to a survivor or beneficiary as a result of the judge's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount, if any, of the judge's contributions less any annuity amounts received by the judge and the survivor or beneficiary.

7. The employee contribution rate, the benefits provided under sections 476.515 to 476.565 to judges covered under this section, and any other provision of sections 476.515 to 476.565 with regard to judges covered under this section may be altered, amended, increased, decreased, or repealed, but only with respect to services rendered by the judge after the effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

8. Any judge who is receiving retirement compensation under section 476.529 or 476.530 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000 plan under chapter 104, shall not receive such retirement compensation for any calendar month in which the retired judge is so employed. Any judge who is receiving retirement compensation under section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to subdivision (4) of subsection 1 of section 476.515 shall not receive such retirement compensation for any calendar month in which the retired judge is serving as a judge; except that upon retirement such judge's annuity

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shall be recalculated to include any additional service or salary accrued based on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or 476.530 may continue to receive such retirement compensation while serving as a senior judge or senior commissioner and shall receive additional credit and salary for such service pursuant to section 476.682.

[104.130. DEATH BENEFIT OF RETIRED MEMBER. — Upon the death of a retired member, the board shall pay to such member's designated beneficiaries or to his estate a death benefit equal to the excess, if any, of the accumulated contributions of the member at retirement over the total amount of retirement benefits received by such member prior to his death.]

Approved July 6, 2023

HCS SS SB 24

Enacts provisions relating to vulnerable persons.

AN ACT to repeal sections 67.145, 70.631, 105.500, 135.327, 135.331, 135.333, 170.310, 190.091, 190.100, 190.103, 190.134, 190.142, 190.147, 190.255, 190.327, 190.460, 192.2405, 195.206, 197.020, 208.1032, 285.040, 287.067, 287.245, 287.715, 320.336, 320.400, 321.225, 321.620, 537.037, 595.209, 650.320, 650.330, 650.335, and 650.340, RSMo, and section 192.530 as truly agreed to and finally passed by senate substitute for house bill no. 402, one hundred second general assembly, first regular session, and to enact in lieu thereof thirty-seven new sections relating to vulnerable persons.

SECTION

A Enacting clause.

- 67.145 First responders, political activity while off duty and not in uniform, political subdivisions not to prohibit — first responder defined.
- 70.631 Addition of public safety personnel members to the system, how — requirements and limitations.
- 105.500 Definitions.
- 135.327 Adoption tax credit — nonrecurring adoption expenses, amount — individual and business entities tax credit, amount, time for filing application — assignment of tax credit, when.
- 135.331 Adopted child eighteen years of age or older, credit not allowed — exception.
- 135.333 Credit exceeding tax due or applied for, refundable, when — effect of assignment, transfer or sale of tax credit.
- 161.244 Early childhood education grants — definitions — standards.
- 170.310 Cardiopulmonary resuscitation instruction and training, grades nine through twelve, requirements — rulemaking authority.
- 190.091 Vaccination program for first responders and telecommunicators offered — definitions — participation voluntary, exception — contingent effective date.
- 190.100 Definitions.
- 190.103 Regional EMS medical director, powers, duties — considered public official, when — online telecommunication medical direction permitted — treatment protocols for special needs patients.
- 190.142 Emergency medical technician license, requirements — rules.
- 190.147 Behavioral health patients — temporary hold, when — memorandum of understanding, contents — physical restraints, use of.

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Matter underscored is proposed language.

- 190.255 Opioid overdose drugs and devices, first responder may administer, when — definition.
- 190.327 Board appointed, when — board elected, when — duties — commission to relinquish duties to board — qualifications — board, powers and duties — board appointed for other political subdivisions contracting for service — members.
- 190.460 Prepaid wireless emergency telephone service charge — definitions — amount, how collected — deposit and use of moneys — rates, how set — effective date.
- 190.1010 Peer support counseling, confidentiality, exceptions — requirements.
- 192.530 Nonopioid directive form — definitions — requirements.
- 192.2405 Mandatory reporters--penalty for failure to report.
- 195.206 Opioid antagonist or addiction mitigation medicine, sale and dispensing of by pharmacists, possession of — administration of, contacting emergency personnel — immunity from liability, when.
- 197.020 Definitions.
- 208.1032 Intergovernmental transfer program — increased reimbursement for services, when — participation requirements.
- 285.040 Public safety employees — residency requirements (City of St. Louis).
- 287.067 Occupational disease defined — repetitive motion, loss of hearing, radiation injury, communicable disease, others — posttraumatic stress disorder (PTSD).
- 287.245 Volunteer firefighters, grants for workers' compensation insurance premiums — or critical illness benefits pool.
- 287.715 Annual surcharge required for second injury fund, amount, how computed, collection — violation, penalty — supplemental surcharge, amount, expiration date.
- 320.336 Termination from employment prohibited, when — loss of pay permitted, when — written verification of service permitted — employer notification requirements — employment rights, attorney general to enforce, when.
- 320.400 Critical illness benefits pool — definitions — creation, employer contributions — benefits, amount — other payments, when — grants — effect on worker's compensation determinations.
- 321.225 Emergency ambulance services, may provide — election — tax levy — additional tax levy, paramedic first responder program — defeat of levy, old levy to remain in effect — emergency, defined.
- 321.620 Ambulance services may be provided — emergency, defined — election held when, procedure to call — additional tax levy, paramedic first responder program, amount — if tax levy fails, old levy to remain in effect.
- 537.037 Emergency care, no civil liability, exceptions (Good Samaritan law).
- 579.088 Fentanyl, devices to detect the presence of permitted.
- 595.209 Rights of victims and witnesses — written notification, requirements.
- 650.320 Definitions.
- 650.330 Board members, duties — department of public safety to provide staff — rulemaking authority.
- 650.335 Loans and financial assistance from prepaid wireless emergency telephone charges — application, procedure, requirements.
- 650.340 911 training and standards — requirements.
 - 1 Advance health care directive form and directions to be included on department website.
- 190.134 Dispatch agency, requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

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SECTION A. ENACTING CLAUSE. — Sections 67.145, 70.631, 105.500, 135.327, 135.331, 135.333, 170.310, 190.091, 190.100, 190.103, 190.134, 190.142, 190.147, 190.255, 190.327, 190.460, 192.2405, 195.206, 197.020, 208.1032, 285.040, 287.067, 287.245, 287.715, 320.336, 320.400, 321.225, 321.620, 537.037, 595.209, 650.320, 650.330, 650.335, and 650.340, RSMo, and section 192.530 as truly agreed to and finally passed by senate substitute for house bill no. 402, one hundred second general assembly, first regular session, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 67.145, 70.631, 105.500, 135.327, 135.331, 135.333, 161.244, 170.310, 190.091, 190.100, 190.103, 190.142, 190.147, 190.255, 190.327, 190.460, 190.1010, 192.2405, 195.206, 197.020, 208.1032, 285.040, 287.067, 287.245, 287.715, 320.336, 320.400, 321.225, 321.620, 537.037, 579.088, 595.209, 650.320, 650.330, 650.335, 650.340, and 1, to read as follows:

67.145. FIRST RESPONDERS, POLITICAL ACTIVITY WHILE OFF DUTY AND NOT IN UNIFORM, POLITICAL SUBDIVISIONS NOT TO PROHIBIT — FIRST RESPONDER DEFINED. — 1. No political subdivision of this state shall prohibit any first responder from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

2. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, telecommunicator first responders, police officers, sheriffs, deputy sheriffs, firefighters, [ambulance attendants and attendant drivers,] emergency medical technicians, [mobile emergency medical technicians, emergency medical technician-paramedics,] registered nurses, or physicians.

70.631. ADDITION OF PUBLIC SAFETY PERSONNEL MEMBERS TO THE SYSTEM, HOW — REQUIREMENTS AND LIMITATIONS. — 1. Each political subdivision may, by majority vote of its governing body, elect to cover [emergency telecommunicators] telecommunicator first responders, jailors, and emergency medical service personnel as public safety personnel members of the system. The clerk or secretary of the political subdivision shall certify an election concerning the coverage of [emergency telecommunicators] telecommunicator first responders, jailors, and emergency medical service personnel as public safety personnel members of the system to the board within ten days after such vote. The date in which the political subdivision's election becomes effective shall be the first day of the calendar month specified by such governing body, the first day of the calendar month next following receipt by the board of the certification of the election, or the effective date of the political subdivision's becoming an employer, whichever is the latest date. Such election shall not be changed after the effective date. If the election is made, the coverage provisions shall be applicable to all past and future employment with the employer by present and future employees. If a political subdivision makes no election under this section, no [emergency] telecommunicator first responder, jailor, or emergency medical service personnel of the political subdivision shall be considered public safety personnel for purposes determining a minimum service retirement age as defined in section 70.600.

2. If an employer elects to cover [emergency telecommunicators] telecommunicator first responders, jailors, and emergency medical service personnel as public safety personnel members of the system, the employer's contributions shall be correspondingly changed effective the same date as the effective date of the political subdivision's election.

3. The limitation on increases in an employer's contributions provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer making an election under the provisions of this section.

105.500. DEFINITIONS. — For purposes of sections 105.500 to 105.598, unless the context otherwise requires, the following words and phrases mean:

(1) "Bargaining unit", a unit of public employees at any plant or installation or in a craft or in a function of a public body that establishes a clear and identifiable community of interest among the public employees concerned;

(2) "Board", the state board of mediation established under section 295.030;

(3) "Department", the department of labor and industrial relations established under section 286.010;

(4) "Exclusive bargaining representative", an organization that has been designated or selected, as provided in section 105.575, by a majority of the public employees in a bargaining unit as the representative of such public employees in such unit for purposes of collective bargaining;

(5) "Labor organization", any organization, agency, or public employee representation committee or plan, in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public body or public bodies concerning collective bargaining, grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(6) "Public body", the state of Missouri, or any officer, agency, department, bureau, division, board or commission of the state, or any other political subdivision or special district of or within the state. Public body shall not include the department of corrections;

(7) "Public employee", any person employed by a public body;

(8) "Public safety labor organization", a labor organization wholly or primarily representing persons trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, [ambulance attendants, attendant drivers,] emergency medical technicians, [emergency medical technician paramedics,] dispatchers, registered nurses and physicians, and persons who are vested with the power of arrest for criminal code violations including, but not limited to, police officers, sheriffs, and deputy sheriffs.

135.327. ADOPTION TAX CREDIT — NONRECURRING ADOPTION EXPENSES, AMOUNT — INDIVIDUAL AND BUSINESS ENTITIES TAX CREDIT, AMOUNT, TIME FOR FILING APPLICATION — ASSIGNMENT OF TAX CREDIT, WHEN. — 1. Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, and before January 1, 2022, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143; provided, however, that beginning on March 29, 2013, the tax credits shall only be allocated for the adoption of special needs children who are residents or wards of residents of this state at the time the adoption is initiated. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. Any person residing in this state who proceeds in good faith with the adoption of a child on or after January 1, 2022, regardless of whether such child is a special needs child, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be

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applied to taxes due under chapter 143. The tax credit shall be allowed regardless of whether the child adopted is a resident or ward of a resident of this state at the time the adoption is initiated; however, for all fiscal years ending on or before June 30, 2024, priority shall be given to applications to claim the tax credit for special needs children who are residents or wards of residents of this state at the time the adoption is initiated. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability; except that, only one credit, up to ten thousand dollars, shall be available for each child who is adopted.

4. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. For all tax years beginning on or after January 1, 2024, the total of these tax credits allowed per child shall be adjusted annually for increases in cost-of-living, if any, as of the preceding July over the level of July of the immediately preceding year of the Consumer Price Index for All Urban Consumers. The cumulative amount of tax credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more than two million dollars but may be increased by appropriation in any fiscal year beginning on or after July 1, 2004, and ending on or before June 30, 2021. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not exceed six million dollars in any fiscal year beginning on or after July 1, 2021, and ending on or before June 30, 2024. For all fiscal years beginning on or after July 1, 2024, there shall be no limit imposed on the cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses. For all fiscal years beginning on or after July 1, 2006, applications to claim the adoption tax credit shall be filed between July first and April fifteenth of each fiscal year.

5. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section shall be at a discount rate of seventy-five percent or greater of the amount sold.

135.331. ADOPTED CHILD EIGHTEEN YEARS OF AGE OR OLDER, CREDIT NOT ALLOWED — EXCEPTION. — No credit shall be allowable for the adoption of any child who has attained the age of eighteen, unless it has been determined that the child has a medical condition or [handicap] disability that would limit the child's ability to live independently of the adoptive parents.

135.333. CREDIT EXCEEDING TAX DUE OR APPLIED FOR, REFUNDABLE, WHEN — EFFECT OF ASSIGNMENT, TRANSFER OR SALE OF TAX CREDIT. — 1. (1) For tax years beginning on or before December 31, 2023, any amount of tax credit which exceeds the tax due or which is applied for and otherwise eligible for issuance but not issued shall not be refunded but may be carried over to any subsequent [taxable] tax year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

(2) For all tax years beginning on or after January 1, 2024, any amount of tax credit that is issued and which exceeds the tax due shall be refunded to the taxpayer; however, any tax credits carried forward from tax years beginning on or before December 31, 2023, shall not be refundable.

2. Tax credits that are assigned, transferred or sold as allowed in section 135.327 may be assigned, transferred or sold in their entirety notwithstanding the taxpayer's tax due.

161.244. EARLY CHILDHOOD EDUCATION GRANTS — DEFINITIONS — STANDARDS. — 1. As used in this section, the following terms mean:

(1) "Early childhood education services", programming or services intended to effect positive developmental changes in children prior to their entry into kindergarten;

(2) "Private entity", an entity that meets the definition of a licensed child care provider as defined in section 210.201, license exempt as described in section 210.211, or that is unlicensed but is contracted with the department of elementary and secondary education.

2. Subject to appropriation, the department of elementary and secondary education shall provide grants directly to private entities for the provision of early childhood education services. The standards prescribed in section 161.213 shall be applicable to all private entities that receive such grant moneys.

170.310. CARDIOPULMONARY RESUSCITATION INSTRUCTION AND TRAINING, GRADES NINE THROUGH TWELVE, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. For school year 2017-18 and each school year thereafter, upon graduation from high school, pupils in public schools and charter schools shall have received thirty minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking given any time during a pupil's four years of high school.

2. Beginning in school year 2017-18, any public school or charter school serving grades nine through twelve shall provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Instruction shall be included in the district's existing health or physical education curriculum. Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.

3. The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing. For purposes of this subsection, "first responders" shall include telecommunicator first responders as defined in section 650.320.

4. The department of elementary and secondary education may promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

190.091. VACCINATION PROGRAM FOR FIRST RESPONDERS AND TELECOMMUNICATORS OFFERED — DEFINITIONS — PARTICIPATION VOLUNTARY, EXCEPTION — CONTINGENT EFFECTIVE DATE. — 1. As used in this section, the following terms mean:

(1) "Bioterrorism", the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance, or biological product to

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter underscored is proposed language.

cause death, disease, or other biological malfunction in a human, an animal, a plant, or any other living organism to influence the conduct of government or to intimidate or coerce a civilian population;

(2) "Department", the Missouri department of health and senior services;

(3) "Director", the director of the department of health and senior services;

(4) "Disaster locations", any geographical location where a bioterrorism attack, terrorist attack, catastrophic or natural disaster, or emergency occurs;

(5) "First responders", state and local law enforcement personnel, telecommunicator first responders, fire department personnel, and emergency medical personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and emergencies;

(6) "Missouri state highway patrol telecommunicator", any authorized Missouri state highway patrol communications division personnel whose primary responsibility includes directly responding to emergency communications and who meet the training requirements pursuant to section 650.340.

2. The department shall offer a vaccination program for first responders and Missouri state highway patrol telecommunicators who may be exposed to infectious diseases when deployed to disaster locations as a result of a bioterrorism event or a suspected bioterrorism event. The vaccinations shall include, but are not limited to, smallpox, anthrax, and other vaccinations when recommended by the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices.

3. Participation in the vaccination program shall be voluntary by the first responders and Missouri state highway patrol telecommunicators, except for first responders or Missouri state highway patrol telecommunicators who, as determined by their employer, cannot safely perform emergency responsibilities when responding to a bioterrorism event or suspected bioterrorism event without being vaccinated. The recommendations of the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices shall be followed when providing appropriate screening for contraindications to vaccination for first responders and Missouri state highway patrol telecommunicators. A first responder and Missouri state highway patrol telecommunicator shall be exempt from vaccinations when a written statement from a licensed physician is presented to their employer indicating that a vaccine is medically contraindicated for such person.

4. If a shortage of the vaccines referred to in subsection 2 of this section exists following a bioterrorism event or suspected bioterrorism event, the director, in consultation with the governor and the federal Centers for Disease Control and Prevention, shall give priority for such vaccinations to persons exposed to the disease and to first responders or Missouri state highway patrol telecommunicators who are deployed to the disaster location.

5. The department shall notify first responders and Missouri state highway patrol telecommunicators concerning the availability of the vaccination program described in subsection 2 of this section and shall provide education to such first responders, [and] their employers, and Missouri state highway patrol telecommunicators concerning the vaccinations offered and the associated diseases.

6. The department may contract for the administration of the vaccination program described in subsection 2 of this section with health care providers, including but not limited to local public health agencies, hospitals, federally qualified health centers, and physicians.

7. The provisions of this section shall become effective upon receipt of federal funding or federal grants which designate that the funding is required to implement vaccinations for first responders and Missouri state highway patrol telecommunicators in accordance with the recommendations of the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. Upon receipt of such funding, the department shall make available the vaccines to first responders and Missouri state highway patrol telecommunicators as provided in this section.

190.100. DEFINITIONS. — As used in sections 190.001 to 190.245 and section 190.257, the following words and terms mean:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(1) "Advanced emergency medical technician" or "AEMT", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

(2) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(3) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(4) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(5) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;

(6) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(7) "Council", the state advisory council on emergency medical services;

(8) "Department", the department of health and senior services, state of Missouri;

(9) "Director", the director of the department of health and senior services or the director's duly authorized representative;

(10) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(11) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(12) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course[, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245] and any ongoing training requirements under section 650.340;

(13) "Emergency medical responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(14) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(15) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(16) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(17) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(18) **["Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;**

(19) **"Emergency medical technician-community paramedic", "community paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;**

[(20) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

[(21)] (19) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

[(22)] (20) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

[(23)] (21) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

[(24)] (22) "Medical control", supervision provided by or under the direction of physicians, or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;

[(25)] (23) "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

[(26)] (24) "Medical director", a physician licensed pursuant to chapter 334 designated by the ambulance service, dispatch agency, or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

[(27)] (25) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(26) "Paramedic", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

[(28)] (27) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

[(29)] (28) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

[(30)] (29) "Physician", a person licensed as a physician pursuant to chapter 334;

[(31)] (30) "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

[(32)] (31) "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, [EMT-B's] EMTs, nurses, [EMT-P's] paramedics, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

[(33)] (32) "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

[(34)] (33) "Protocol", a predetermined, written medical care guideline, which may include standing orders;

[(35)] (34) "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

[(36)] (35) "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

[(37)] (36) "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

[(38)] (37) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

[(39)] (38) "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

[(40)] (39) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in

electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

[(41)] (40) "STEMI care", includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

[(42)] (41) "STEMI center", a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

[(43)] (42) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the department;

[(44)] (43) "Stroke care", includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

[(45)] (44) "Stroke center", a hospital that is currently designated as such by the department;

[(46)] (45) "Time-critical diagnosis", trauma care, stroke care, and STEMI care occurring either outside of a hospital or in a center designated under section 190.241;

[(47)] (46) "Time-critical diagnosis advisory committee", a committee formed under section 190.257 to advise the department on policies impacting trauma, stroke, and STEMI center designations; regulations on trauma care, stroke care, and STEMI care; and the transport of trauma, stroke, and STEMI patients;

[(48)] (47) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(49)] (48) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

[(50)] (49) "Trauma center", a hospital that is currently designated as such by the department.

190.103. REGIONAL EMS MEDICAL DIRECTOR, POWERS, DUTIES — CONSIDERED PUBLIC OFFICIAL, WHEN — ONLINE TELECOMMUNICATION MEDICAL DIRECTION PERMITTED — TREATMENT PROTOCOLS FOR SPECIAL NEEDS PATIENTS. — 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

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3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors and the state EMS medical director elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to AEMTs, [EMT-Bs, EMT-Ps] EMTs, paramedics, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including AEMTs, [EMT-Bs, EMT-Ps] EMTs, paramedics, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. The state EMS medical directors advisory committee shall review and make recommendations regarding all proposed community and regional time-critical diagnosis plans.

12. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to AEMTs, [EMT-Bs, EMT-Ps] EMTs, paramedics, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

190.142. EMERGENCY MEDICAL TECHNICIAN LICENSE, REQUIREMENTS — RULES. — 1.

(1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after

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receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license.

(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, in recognition of the EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Emergency medical technician and paramedic education and training requirements based on respective National Emergency Medical Services Education Standards and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Paramedic accreditation requirements. Paramedic training programs shall be accredited [by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter of review] as required by the National Registry of Emergency Medical Technicians;

(4) Initial licensure testing requirements. Initial [EMT-P] paramedic licensure testing shall be through the national registry of EMTs;

(5) Continuing education and relicensure requirements; and

(6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

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190.147. BEHAVIORAL HEALTH PATIENTS — TEMPORARY HOLD, WHEN — MEMORANDUM OF UNDERSTANDING, CONTENTS — PHYSICAL RESTRAINTS, USE OF. — 1. [An emergency medical technician paramedic (EMT-P)] A paramedic may make a good faith determination that such behavioral health patients who present a likelihood of serious harm to themselves or others, as the term "likelihood of serious harm" is defined under section 632.005, or who are significantly incapacitated by alcohol or drugs shall be placed into a temporary hold for the sole purpose of transport to the nearest appropriate facility; provided that, such determination shall be made in cooperation with at least one other [EMT-P] paramedic or other health care professional involved in the transport. Once in a temporary hold, the patient shall be treated with humane care in a manner that preserves human dignity, consistent with applicable federal regulations and nationally recognized guidelines regarding the appropriate use of temporary holds and restraints in medical transport. Prior to making such a determination:

(1) The [EMT-P] paramedic shall have completed a standard crisis intervention training course as endorsed and developed by the state EMS medical director's advisory committee;

(2) The [EMT-P] paramedic shall have been authorized by his or her ground or air ambulance service's administration and medical director under subsection 3 of section 190.103; and

(3) The [EMT-P's] paramedic ground or air ambulance service has developed and adopted standardized triage, treatment, and transport protocols under subsection 3 of section 190.103, which address the challenge of treating and transporting such patients. Provided:

(a) That such protocols shall be reviewed and approved by the state EMS medical director's advisory committee; and

(b) That such protocols shall direct the [EMT-P] paramedic regarding the proper use of patient restraint and coordination with area law enforcement; and

(c) Patient restraint protocols shall be based upon current applicable national guidelines.

2. In any instance in which a good faith determination for a temporary hold of a patient has been made, such hold shall be made in a clinically appropriate and adequately justified manner, and shall be documented and attested to in writing. The writing shall be retained by the ambulance service and included as part of the patient's medical file.

3. [EMT-Ps] Paramedics who have made a good faith decision for a temporary hold of a patient as authorized by this section shall no longer have to rely on the common law doctrine of implied consent and therefore shall not be civilly liable for a good faith determination made in accordance with this section and shall not have waived any sovereign immunity defense, official immunity defense, or Missouri public duty doctrine defense if employed at the time of the good faith determination by a government employer.

4. Any ground or air ambulance service that adopts the authority and protocols provided for by this section shall have a memorandum of understanding with applicable local law enforcement agencies in order to achieve a collaborative and coordinated response to patients displaying symptoms of either a likelihood of serious harm to themselves or others or significant incapacitation by alcohol or drugs, which require a crisis intervention response. The memorandum of understanding shall include, but not be limited to, the following:

(1) Administrative oversight, including coordination between ambulance services and law enforcement agencies;

(2) Patient restraint techniques and coordination of agency responses to situations in which patient restraint may be required;

(3) Field interaction between paramedics and law enforcement, including patient destination and transportation; and

(4) Coordination of program quality assurance.

5. The physical restraint of a patient by an emergency medical technician under the authority of this section shall be permitted only in order to provide for the safety of bystanders, the patient, or

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emergency personnel due to an imminent or immediate danger, or upon approval by local medical control through direct communications. Restraint shall also be permitted through cooperation with on-scene law enforcement officers. All incidents involving patient restraint used under the authority of this section shall be reviewed by the ambulance service physician medical director.

190.255. OPIOID OVERDOSE DRUGS AND DEVICES, FIRST RESPONDER MAY ADMINISTER, WHEN — DEFINITION. — 1. Any qualified first responder may obtain and administer naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to a person suffering from an apparent narcotic or opiate-related overdose in order to revive the person.

2. Any licensed drug distributor or pharmacy in Missouri may sell naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to qualified first responder agencies to allow the agency to stock naloxone for the administration of such drug to persons suffering from an apparent narcotic or opiate overdose in order to revive the person.

3. For the purposes of this section, "qualified first responder" shall mean any [state and local law enforcement agency staff] fire department personnel, fire district personnel, or licensed emergency medical technician who is acting under the directives and established protocols of a medical director of a local licensed ground ambulance service licensed under section 190.109, or any state or local law enforcement agency staff member, who comes in contact with a person suffering from an apparent narcotic or opiate-related overdose and who has received training in recognizing and responding to a narcotic or opiate overdose and the administration of naloxone to a person suffering from an apparent narcotic or opiate-related overdose. "Qualified first responder agencies" shall mean any state or local law enforcement agency, fire department, or ambulance service that provides documented training to its staff related to the administration of naloxone in an apparent narcotic or opiate overdose situation.

4. A qualified first responder shall only administer naloxone by such means as the qualified first responder has received training for the administration of naloxone.

190.327. BOARD APPOINTED, WHEN — BOARD ELECTED, WHEN — DUTIES — COMMISSION TO RELINQUISH DUTIES TO BOARD — QUALIFICATIONS — BOARD, POWERS AND DUTIES — BOARD APPOINTED FOR OTHER POLITICAL SUBDIVISIONS CONTRACTING FOR SERVICE — MEMBERS. — 1. Immediately upon the decision by the commission to utilize a portion of the emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the commission shall appoint the initial members of a board which shall administer the funds and oversee the provision of central dispatching for emergency services in the county and in municipalities and other political subdivisions which have contracted for such service. Beginning with the general election in 1992, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency telephone service and in chapter 321, with regard to the provision of central dispatching service, and such duties shall be exercised by the board.

2. Elections for board members may be held on general municipal election day, as defined in subsection 3 of section 115.121, after approval by a simple majority of the county commission.

3. For the purpose of providing the services described in this section, the board shall have the following powers, authority and privileges:

- (1) To have and use a corporate seal;
- (2) To sue and be sued, and be a party to suits, actions and proceedings;

(3) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the board;

(4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, including leases and easements;

(5) To have the management, control and supervision of all the business affairs of the board and the construction, installation, operation and maintenance of any improvements;

(6) To hire and retain agents and employees and to provide for their compensation including health and pension benefits;

(7) To adopt and amend bylaws and any other rules and regulations;

(8) To fix, charge and collect the taxes and fees authorized by law for the purpose of implementing and operating the services described in this section;

(9) To pay all expenses connected with the first election and all subsequent elections; and

(10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this subsection. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, the county commission may elect to appoint the members of the board to administer the funds and oversee the provision of central dispatching for emergency services in the counties, municipalities, and other political subdivisions which have contracted for such service upon the request of the municipalities and other political subdivisions. Upon appointment of the initial members of the board, the commission shall relinquish all powers and duties to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of central dispatching service and such duties shall be exercised by the board.

(2) The board shall consist of seven members appointed without regard to political affiliation. The members shall include:

(a) Five members who shall serve for so long as they remain in their respective county or municipal positions as follows:

a. The county sheriff, or his or her designee;

b. The heads of the municipal police department who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees; or

c. The heads of the municipal fire departments or fire divisions who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees;

(b) Two members who shall serve two-year terms appointed from among the following:

a. The head of any of the county's fire protection districts who have contracted for central dispatching service, or his or her designee;

b. The head of any of the county's ambulance districts who have contracted for central dispatching service, or his or her designee;

c. The head of any of the municipal police departments located in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph b. of paragraph (a) of this subdivision; and

d. The head of any of the municipal fire departments in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph c. of paragraph (a) of this subdivision.

(3) Upon the appointment of the board under this subsection, the board shall have the powers provided in subsection 3 of this section and the commission shall relinquish all powers and duties relating to the provision of central dispatching service under this chapter to the board.

[5. An emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants shall not have a sales tax for emergency services or for providing central dispatching for emergency services greater than one-quarter of one percent. If on July 9, 2019, such tax is greater than one-quarter of one percent, the board shall lower the tax rate.]

190.460. PREPAID WIRELESS EMERGENCY TELEPHONE SERVICE CHARGE — DEFINITIONS — AMOUNT, HOW COLLECTED — DEPOSIT AND USE OF MONEYS — RATES, HOW SET — EFFECTIVE DATE. — 1. As used in this section, the following terms mean:

- (1) "Board", the Missouri 911 service board established under section 650.325;
- (2) "Consumer", a person who purchases prepaid wireless telecommunications service in a retail transaction;
- (3) "Department", the department of revenue;
- (4) "Prepaid wireless service provider", a provider that provides prepaid wireless service to an end user;
- (5) "Prepaid wireless telecommunications service", a wireless telecommunications service that allows a caller to dial 911 to access the 911 system and which service shall be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount;
- (6) "Retail transaction", the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale. The purchase of more than one item that provides prepaid wireless telecommunication service, when such items are sold separately, constitutes more than one retail transaction;
- (7) "Seller", a person who sells prepaid wireless telecommunications service to another person;
- (8) "Wireless telecommunications service", commercial mobile radio service as defined by 47 CFR 20.3, as amended.

2. (1) Beginning January 1, 2019, there is hereby imposed a prepaid wireless emergency telephone service charge on each retail transaction. The amount of such charge shall be equal to three percent of the amount of each retail transaction. The first fifteen dollars of each retail transaction shall not be subject to the service charge.

(2) When prepaid wireless telecommunications service is sold with one or more products or services for a single, nonitemized price, the prepaid wireless emergency telephone service charge set forth in subdivision (1) of this subsection shall apply to the entire nonitemized price unless the seller elects to apply such service charge in the following way:

- (a) If the amount of the prepaid wireless telecommunications service is disclosed to the consumer as a dollar amount, three percent of such dollar amount; or
- (b) If the seller can identify the portion of the price that is attributable to the prepaid wireless telecommunications service by reasonable and verifiable standards from the seller's books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes, three percent of such portion;

The first fifteen dollars of each transaction under this subdivision shall not be subject to the service charge.

(3) The prepaid wireless emergency telephone service charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless emergency telephone service charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller or otherwise disclosed to the consumer.

(4) For purposes of this subsection, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this

state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring under chapter 144.

(5) The prepaid wireless emergency telephone service charge is the liability of the consumer and not of the seller or of any provider; except that, the seller shall be liable to remit all charges that the seller collects or is deemed to collect.

(6) The amount of the prepaid wireless emergency telephone service charge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be remitted to the department at the times and in the manner provided by state law with respect to sales and use taxes. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply under state law. On or after the effective date of the service charge imposed under the provisions of this section, the director of the department of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the service charge, and the director shall collect, in addition to the sales tax for the state of Missouri, all additional service charges imposed in this section. All service charges imposed under this section together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057 shall apply to the collection of any service charges imposed under this section except as modified.

(2) Beginning on January 1, 2019, and ending on January 31, 2019, when a consumer purchases prepaid wireless telecommunications service in a retail transaction from a seller under this section, the seller shall be allowed to retain one hundred percent of the prepaid wireless emergency telephone service charges that are collected by the seller from the consumer. Beginning on February 1, 2019, a seller shall be permitted to deduct and retain three percent of prepaid wireless emergency telephone service charges that are collected by the seller from consumers.

(3) The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use purposes under state law.

(4) The department shall deposit all remitted prepaid wireless emergency telephone service charges into the general revenue fund for the department's use until eight hundred thousand one hundred fifty dollars is collected to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges. From then onward, the department shall deposit all remitted prepaid wireless emergency telephone service charges into the Missouri 911 service trust fund created under section 190.420 within thirty days of receipt for use by the board. After the initial eight hundred thousand one hundred fifty dollars is collected, the department may deduct an amount not to exceed one percent of collected charges to be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges.

(5) The board shall set a rate between twenty-five and one hundred percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties without a charter form of government, less the deductions authorized in subdivision (4) of this subsection, that shall be remitted to such counties in direct proportion to the amount of charges collected in each county. The board shall set a rate between sixty-five and one hundred percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties with a charter form of government and any city not within a county, less the deductions

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authorized in subdivision (4) of this subsection, that shall be remitted to each such county or city not within a county in direct proportion to the amount of charges collected in each such county or city not within a county. If a county has an elected emergency services board, the Missouri 911 service board shall remit the funds to the elected emergency services board, except for an emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, in which case the funds shall be remitted to the county's general fund for the purpose of public safety infrastructure. The initial percentage rate set by the board for counties with and without a charter form of government and any city not within a county shall be set by June thirtieth of each applicable year and may be adjusted annually for the first three years, and thereafter the rate may be adjusted every three years; however, at no point shall the board set rates that fall below twenty-five percent for counties without a charter form of government and sixty-five percent for counties with a charter form of government and any city not within a county.

(6) Any amounts received by a county or city under subdivision (5) of this subsection shall be used only for purposes authorized in sections 190.305, 190.325, and 190.335. Any amounts received by any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants under this section may be used for emergency service notification systems.

4. (1) A seller that is not a provider shall be entitled to the immunity and liability protections under section 190.455, notwithstanding any requirement in state law regarding compliance with Federal Communications Commission Order 05-116.

(2) A provider shall be entitled to the immunity and liability protections under section 190.455.

(3) In addition to the protection from liability provided in subdivisions (1) and (2) of this subsection, each provider and seller and its officers, employees, assigns, agents, vendors, or anyone acting on behalf of such persons shall be entitled to the further protection from liability, if any, that is provided to providers and sellers of wireless telecommunications service that is not prepaid wireless telecommunications service under section 190.455.

5. The prepaid wireless emergency telephone service charge imposed by this section shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state, any political subdivision of this state, or any intergovernmental agency for 911 funding purposes.

6. The provisions of this section shall become effective unless the governing body of a county or city adopts an ordinance, order, rule, resolution, or regulation by at least a two-thirds vote prohibiting the charge established under this section from becoming effective in the county or city at least forty-five days prior to the effective date of this section. If the governing body does adopt such ordinance, order, rule, resolution, or regulation by at least a two-thirds vote, the charge shall not be collected and the county or city shall not be allowed to obtain funds from the Missouri 911 service trust fund that are remitted to the fund under the charge established under this section. The Missouri 911 service board shall, by September 1, 2018, notify all counties and cities of the implementation of the charge established under this section, and the procedures set forth under this subsection for prohibiting the charge from becoming effective.

7. Any county or city which prohibited the prepaid wireless emergency telephone service charge pursuant to the provisions of subsection 6 of this section may take a vote of the governing body, and notify the department of revenue of the result of such vote[, by November 15, 2019,] to impose such charge [effective January 1, 2020]. A vote of at least two-thirds of the governing body is required in order to impose such charge. The department shall notify the board of notices received by [December 1, 2019] within sixty days of receiving such notice.

190.1010. PEER SUPPORT COUNSELING, CONFIDENTIALITY, EXCEPTIONS — REQUIREMENTS. — 1. As used in this section, the following terms shall mean:

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- (1) "Employee", a first responder employed by an employer;
- (2) "Employer", the state, a unit of local government, or a public hospital or ambulance service that employs first responders;
- (3) "First responder", a 911 dispatcher, paramedic, emergency medical technician, or a volunteer or full-time paid firefighter;
- (4) "Peer support advisor", a person approved by the employer who voluntarily provides confidential support and assistance to employees experiencing personal or professional problems. An employer shall provide peer support advisors with an appropriate level of training in counseling to provide emotional and moral support;
- (5) "Peer support counseling program", a program established by an employer to train employees to serve as peer support advisors in order to conduct peer support counseling sessions;
- (6) "Peer support counseling session", communication with a peer support advisor designated by an employer. A peer support counseling session is accomplished primarily through listening, assessing, assisting with problem solving, making referrals to a professional when necessary, and conducting follow-up as needed;
- (7) "Record", any record kept by a therapist or by an agency in the course of providing behavioral health care to a first responder concerning the first responder and the services provided. "Record" includes the personal notes of the therapist or agency, as well as all records maintained by a court that have been created in connection with, in preparation for, or as a result of the filing of any petition. "Record" does not include information that has been de-identified in accordance with the federal Health Insurance Portability and Accountability Act (HIPAA) and does not include a reference to the receipt of behavioral health care noted during a patient history and physical or other summary of care.
2. (1) Any communication made by an employee or peer support advisor in a peer support counseling session, as well as any oral or written information conveyed in the peer support counseling session, shall be confidential and shall not be disclosed by any person participating in the peer support counseling session or released to any person or entity. Any communication relating to a peer support counseling session made confidential under this section that is made between peer support advisors and the supervisors or staff of a peer support counseling program, or between the supervisor and staff of a peer support counseling program, shall be confidential and shall not be disclosed. The provisions of this section shall not be construed to prohibit any communications between counselors who conduct peer support counseling sessions or any communications between counselors and the supervisors or staff of a peer support counseling program.
- (2) Any communication described in subdivision (1) of this subsection may be subject to a subpoena for good cause shown.
- (3) The provisions of this subsection shall not apply to the following:
- (a) Any threat of suicide or homicide made by a participant in a peer support counseling session or any information conveyed in a peer support counseling session related to a threat of suicide or homicide;
- (b) Any information mandated by law or agency policy to be reported, including, but not limited to, domestic violence, child abuse or neglect, or elder abuse or neglect;
- (c) Any admission of criminal conduct; or
- (d) Any admission or act of refusal to perform duties to protect others or the employee.
- (4) All communications, notes, records, and reports arising out of a peer support counseling session shall not be considered public records subject to disclosure under chapter 610.
- (5) A department or organization that establishes a peer support counseling program shall develop a policy or rule that imposes disciplinary measures against a peer support advisor who violates the confidentiality of the peer support counseling program by sharing information learned in a peer support counseling session with personnel who are not supervisors or staff of the peer support counseling program unless otherwise exempted under the provisions of this subsection.

3. Any employer that creates a peer support counseling program shall be subject to the provisions of this section. An employer shall ensure that peer support advisors receive appropriate training in counseling to conduct peer support counseling sessions. An employer may refer any person to a peer support advisor within the employer's organization or, if those services are not available with the employer, to another peer support counseling program that is available and approved by the employer. Notwithstanding any other provision of law to the contrary, an employer shall not mandate that any employee participate in a peer support counseling program.

[192.530. NONOPIOID DIRECTIVE FORM — DEFINITIONS — REQUIREMENTS. — 1. As used in this section, the following terms mean:

(1) "Department", the department of health and senior services;
(2) "Health care provider", the same meaning given to the term in section 376.1350;
(3) "Voluntary nonopioid directive form", a form that may be used by a patient to deny or refuse the administration or prescription of a controlled substance containing an opioid by a health care provider.

2. In consultation with the board of registration for the healing arts and the board of pharmacy, the department shall develop and publish a uniform voluntary nonopioid directive form.

3. The voluntary nonopioid directive form developed by the department shall indicate to all prescribing health care providers that the named patient shall not be offered, prescribed, supplied with, or otherwise administered a controlled substance containing an opioid.

4. The voluntary nonopioid directive form shall be posted in a downloadable format on the department's publicly accessible website.

5. (1) A patient may execute and file a voluntary nonopioid directive form with a health care provider. Each health care provider shall sign and date the form in the presence of the patient as evidence of acceptance and shall provide a signed copy of the form to the patient.

(2) The patient executing and filing a voluntary nonopioid directive form with a health care provider shall sign and date the form in the presence of the health care provider or a designee of the health care provider. In the case of a patient who is unable to execute and file a voluntary nonopioid directive form, the patient may designate a duly authorized guardian or health care proxy to execute and file the form in accordance with subdivision (1) of this subsection.

(3) A patient may revoke the voluntary nonopioid directive form for any reason and may do so by written or oral means.

6. The department shall promulgate regulations for the implementation of the voluntary nonopioid directive form that shall include, but not be limited to:

(1) A standard method for the recording and transmission of the voluntary nonopioid directive form, which shall include verification by the patient's health care provider and shall comply with the written consent requirements of the Public Health Service Act, 42 U.S.C. Section 290dd-2(b), and 42 CFR Part 2, relating to confidentiality of alcohol and drug abuse patient records, provided that the voluntary nonopioid directive form shall also provide the basic procedures necessary to revoke the voluntary nonopioid directive form;

(2) Procedures to record the voluntary nonopioid directive form in the patient's medical record or, if available, the patient's interoperable electronic medical record;

(3) Requirements and procedures for a patient to appoint a duly authorized guardian or health care proxy to override a previously filed voluntary nonopioid directive form and circumstances under which an attending health care provider may override a previously filed voluntary nonopioid directive form based on documented medical judgment, which shall be recorded in the patient's medical record;

(4) Procedures to ensure that any recording, sharing, or distributing of data relative to the voluntary nonopioid directive form complies with all federal and state confidentiality laws; and

(5) Appropriate exemptions for health care providers and emergency medical personnel to prescribe or administer a controlled substance containing an opioid when, in their professional medical judgment, a controlled substance containing an opioid is necessary, or the provider and medical personnel are acting in good faith.

The department shall develop and publish guidelines on its publicly accessible website that shall address, at a minimum, the content of the regulations promulgated under this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

7. A written prescription that is presented at an outpatient pharmacy or a prescription that is electronically transmitted to an outpatient pharmacy is presumed to be valid for the purposes of this section, and a pharmacist in an outpatient setting shall not be held in violation of this section for dispensing a controlled substance in contradiction to a voluntary nonopioid directive form, except upon evidence that the pharmacist acted knowingly against the voluntary nonopioid directive form.

8. (1) A health care provider or an employee of a health care provider acting in good faith shall not be subject to criminal or civil liability and shall not be considered to have engaged in unprofessional conduct for failing to offer or administer a prescription or medication order for a controlled substance containing an opioid under the voluntary nonopioid directive form.

(2) A person acting as a representative or an agent pursuant to a health care proxy shall not be subject to criminal or civil liability for making a decision under subdivision (3) of subsection 6 of this section in good faith.

(3) Notwithstanding any other provision of law, a professional licensing board, at its discretion, may limit, condition, or suspend the license of, or assess fines against, a health care provider who recklessly or negligently fails to comply with a patient's voluntary nonopioid directive form.]

192.2405. MANDATORY REPORTERS—PENALTY FOR FAILURE TO REPORT. — 1. The following persons shall be required to immediately report or cause a report to be made to the department under sections 192.2400 to 192.2470:

(1) Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm, or bullying as defined in subdivision (2) of section 192.2400, and is in need of protective services; and

(2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services, employee of a local area agency on aging or an organized area agency on aging program, emergency medical technician, firefighter, first responder, funeral director, home health agency, home health agency employee, hospital and clinic personnel engaged in the care or treatment of others, in-home services owner or provider, in-home services operator or employee, law enforcement officer, long-term care facility administrator or employee, medical examiner, medical resident or intern, mental health professional, minister, nurse, nurse practitioner, optometrist, other health practitioner, peace officer, pharmacist, physical therapist, physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social worker, or other person with the responsibility for the care of an eligible adult who has reasonable cause to suspect that the eligible adult has been subjected to abuse or neglect or observes the eligible adult being subjected to conditions or circumstances which would reasonably result in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity

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shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

2. Any other person who becomes aware of circumstances that may reasonably be expected to be the result of, or result in, abuse or neglect of an eligible adult may report to the department.

3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this section is provided under section 565.188.

4. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, or emergency medical technicians[, or emergency medical technician-paramedics].

195.206. OPIOID ANTAGONIST OR ADDICTION MITIGATION MEDICINE, SALE AND DISPENSING OF BY PHARMACISTS, POSSESSION OF — ADMINISTRATION OF, CONTACTING EMERGENCY PERSONNEL — IMMUNITY FROM LIABILITY, WHEN. — 1. As used in this section, the following terms shall mean:

(1) "Addiction mitigation medication", naltrexone hydrochloride that is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(2) "Opioid antagonist", naloxone hydrochloride, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose [that] and is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(3) "Opioid-related drug overdose", a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid or other substance with which an opioid was combined or a condition that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

2. Notwithstanding any other law or regulation to the contrary:

(1) The director of the department of health and senior services, if a licensed physician, may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication;

(2) In the alternative, the department may employ or contract with a licensed physician who may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication with the express written consent of the department director.

3. Notwithstanding any other law or regulation to the contrary, any licensed pharmacist in Missouri may sell and dispense an opioid antagonist or an addiction mitigation medication under physician protocol or under a statewide standing order issued under subsection 2 of this section.

4. A licensed pharmacist who, acting in good faith and with reasonable care, sells or dispenses an opioid antagonist or an addiction mitigation medication and an appropriate device to administer the drug, and the protocol physician, shall not be subject to any criminal or civil liability or any professional disciplinary action for prescribing or dispensing the opioid antagonist or an addiction mitigation medication or any outcome resulting from the administration of the opioid antagonist or an addiction mitigation medication. A physician issuing a statewide standing order under subsection 2 of this section shall not be subject to any criminal or civil liability or any professional disciplinary action for issuing the standing order or for any outcome related to the order or the administration of the opioid antagonist or an addiction mitigation medication.

5. Notwithstanding any other law or regulation to the contrary, it shall be permissible for any person to possess an opioid antagonist or an addiction mitigation medication.

6. Any person who administers an opioid antagonist to another person shall, immediately after administering the drug, contact emergency personnel. Any person who, acting in good faith and with

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reasonable care, administers an opioid antagonist to another person whom the person believes to be suffering an opioid-related drug overdose shall be immune from criminal prosecution, disciplinary actions from his or her professional licensing board, and civil liability due to the administration of the opioid antagonist.

197.020. DEFINITIONS. — 1. "Governmental unit" means any county, municipality or other political subdivision or any department, division, board or other agency of any of the foregoing.

2. "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more nonrelated individuals. The term "hospital" shall include a facility designated as a rural emergency hospital by the Centers for Medicare and Medicaid Services. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198.

3. "Person" means any individual, firm, partnership, corporation, company or association and the legal successors thereof.

208.1032. INTERGOVERNMENTAL TRANSFER PROGRAM — INCREASED REIMBURSEMENT FOR SERVICES, WHEN — PARTICIPATION REQUIREMENTS. — 1. The department of social services shall be authorized to design and implement in consultation and coordination with eligible providers as described in subsection 2 of this section an intergovernmental transfer program relating to ground emergency medical transport services, including those services provided at the emergency medical responder, emergency medical technician (EMT), advanced EMT, [EMT intermediate] or paramedic levels in the prestabilization and preparation for transport, in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers.

2. A provider shall be eligible for increased reimbursement under this section only if the provider meets the following conditions in an applicable state fiscal year:

- (1) Provides ground emergency medical transportation services to MO HealthNet participants;
- (2) Is enrolled as a MO HealthNet provider for the period being claimed; and
- (3) Is owned, operated, or contracted by the state or a political subdivision.

3. (1) To the extent intergovernmental transfers are voluntarily made by and accepted from an eligible provider described in subsection 2 of this section or a governmental entity affiliated with an eligible provider, the department of social services shall make increased capitation payments to applicable MO HealthNet eligible providers for covered ground emergency medical transportation services.

(2) The increased capitation payments made under this section shall be in amounts at least actuarially equivalent to the supplemental fee-for-service payments and up to equivalent of commercial reimbursement rates available for eligible providers to the extent permissible under federal law.

(3) Except as provided in subsection 6 of this section, all funds associated with intergovernmental transfers made and accepted under this section shall be used to fund additional payments to eligible providers.

(4) MO HealthNet managed care plans and coordinated care organizations shall pay one hundred percent of any amount of increased capitation payments made under this section to eligible providers for providing and making available ground emergency medical transportation and prestabilization services pursuant to a contract or other arrangement with a MO HealthNet managed care plan or coordinated care organization.

4. The intergovernmental transfer program developed under this section shall be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible

provider, or the governmental entity with which it is affiliated, are provided for this purpose. The department of social services shall implement the intergovernmental transfer program and increased capitation payments under this section on a retroactive basis as permitted by federal law.

5. Participation in the intergovernmental transfers under this section is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

6. As a condition of participation under this section, each eligible provider as described in subsection 2 of this section or the governmental entity affiliated with an eligible provider shall agree to reimburse the department of social services for any costs associated with implementing this section. Intergovernmental transfers described in this section are subject to an administration fee of up to twenty percent of the nonfederal share paid to the department of social services and shall be allowed to count as a cost of providing the services not to exceed one hundred twenty percent of the total amount.

7. As a condition of participation under this section, MO HealthNet managed care plans, coordinated care organizations, eligible providers as described in subsection 2 of this section, and governmental entities affiliated with eligible providers shall agree to comply with any requests for information or similar data requirements imposed by the department of social services for purposes of obtaining supporting documentation necessary to claim federal funds or to obtain federal approvals.

8. This section shall be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained.

9. To the extent that the director of the department of social services determines that the payments made under this section do not comply with federal Medicaid requirements, the director retains the discretion to return or not accept an intergovernmental transfer, and may adjust payments under this section as necessary to comply with federal Medicaid requirements.

285.040. PUBLIC SAFETY EMPLOYEES — RESIDENCY REQUIREMENTS (CITY OF ST. LOUIS). — 1. As used in this section, "public safety employee" shall mean a person trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, [ambulance attendants and attendant drivers,] emergency medical technicians, [emergency medical technician paramedics,] dispatchers, registered nurses, physicians, and sheriffs and deputy sheriffs.

2. No public safety employee of a city not within a county who is hired prior to September 1, 2023, shall be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

3. Public safety employees of a city not within a county who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the public safety employee to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.

287.067. OCCUPATIONAL DISEASE DEFINED — REPETITIVE MOTION, LOSS OF HEARING, RADIATION INJURY, COMMUNICABLE DISEASE, OTHERS — POSTTRAUMATIC STRESS DISORDER (PTSD). — 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury or death by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing

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factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department or paid peace officers of a police department who are certified under chapter 590 if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.

9. (1) (a) Posttraumatic stress disorder (PTSD), as described in the Diagnostic and Statistical Manual of Mental Health Disorders, Fifth Edition, published by the American Psychiatric Association, (DSM-5) is recognized as a compensable occupational disease for purposes of this chapter when diagnosed in a first responder, as that term is defined under section 67.145.

(b) Benefits payable to a first responder under this section shall not require a physical injury to the first responder and are not subject to any preexisting PTSD.

(c) Benefits payable to a first responder under this section are compensable only if demonstrated by clear and convincing evidence that PTSD has resulted from the course and scope of employment, and the first responder is examined and diagnosed with PTSD by an authorized treating physician, due to the first responder experiencing one of the following qualifying events:

a. Seeing for oneself a deceased minor;

b. Witnessing directly the death of a minor;

c. Witnessing directly the injury to a minor who subsequently died prior to or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting, an injured minor who subsequently died prior to or upon arrival at a hospital emergency department;

d. Seeing for oneself a person who has suffered serious physical injury of a nature that shocks the conscience;

e. Witnessing directly a death, including suicide, due to serious physical injury; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence;

f. Witnessing directly an injury that results in death, if the person suffered serious physical injury that shocks the conscience;

g. Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered serious physical injury, if the injured person subsequently died prior to or upon arrival at a hospital emergency department; or,

h. Involvement in an event that caused or may have caused serious injury or harm to the first responder or had the potential to cause the death of the first responder, whether accidental or by an intentional act of another individual.

(2) The time for notice of injury or death in cases of compensable PTSD under this section is measured from exposure to one of the qualifying stressors listed in the DSM-5 criteria, or the diagnosis of the disorder, whichever is later. Any claim for compensation for such injury shall be properly noticed within fifty-two weeks after the qualifying exposure, or the diagnosis of the disorder, whichever is later.

287.245. VOLUNTEER FIREFIGHTERS, GRANTS FOR WORKERS' COMPENSATION INSURANCE PREMIUMS — OR CRITICAL ILLNESS BENEFITS POOL. — 1. As used in this section, the following terms shall mean:

- (1) "Association", volunteer fire protection associations as defined in section 320.300;
- (2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;
- (3) "Volunteer firefighter", the same meaning as in section 287.243;
- (4) "Voluntary [firefighter cancer] critical illness benefits pool" or "pool", the same meaning as in section 320.400.

2. (1) Any association may apply to the state fire marshal for a grant for the purpose of funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters.

(2) Any voluntary [firefighter cancer] critical illness benefits pool may apply to the state fire marshal for a grant for the [purpose of establishing a] voluntary [firefighter cancer] critical illness benefits pool. [This subdivision shall expire June 30, 2023.]

3. Subject to appropriations, the state fire marshal may disburse grants to any applying volunteer fire protection association subject to the following schedule:

(1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;

(2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;

(3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;

(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.

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Matter underscored is proposed language.

4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters or ~~[establishing]~~ for the benefit of a voluntary ~~[firefighter cancer]~~ critical illness benefits pool.

287.715. ANNUAL SURCHARGE REQUIRED FOR SECOND INJURY FUND, AMOUNT, HOW COMPUTED, COLLECTION — VIOLATION, PENALTY — SUPPLEMENTAL SURCHARGE, AMOUNT, EXPIRATION DATE. — 1. For the purpose of providing for revenue for the second injury fund, every authorized self-insurer, and every workers' compensation policyholder insured pursuant to the provisions of this chapter, shall be liable for payment of an annual surcharge in accordance with the provisions of this section. The annual surcharge imposed under this section shall apply to all workers' compensation insurance policies and self-insurance coverages which are written or renewed on or after April 26, 1988, including the state of Missouri, including any of its departments, divisions, agencies, commissions, and boards or any political subdivisions of the state who self-insure or hold themselves out to be any part self-insured. Notwithstanding any law to the contrary, the surcharge imposed pursuant to this section shall not apply to any reinsurance or retrocessional transaction.

2. Beginning October 31, 2005, and each year thereafter, the director of the division of workers' compensation shall estimate the amount of benefits payable from the second injury fund during the following calendar year and shall calculate the total amount of the annual surcharge to be imposed during the following calendar year upon all workers' compensation policyholders and authorized self-insurers. The amount of the annual surcharge percentage to be imposed upon each policyholder and self-insured for the following calendar year commencing with the calendar year beginning on January 1, 2006, shall be set at and calculated against a percentage, not to exceed three percent, of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point, that shall generate, as nearly as possible, one hundred ten percent of the moneys to be paid from the second injury fund in the following calendar year, less any moneys contained in the fund at the end of the previous calendar year. All policyholders and self-insurers shall be notified by the division of workers' compensation within ten calendar days of the determination of the surcharge percent to be imposed for, and paid in, the following calendar year. The net premium equivalent for individual self-insured employers shall be based on average rate classifications calculated by the department of commerce and insurance as taken from premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such group of employers in accordance with subsection 4 of section 287.280 shall be the net premium equivalent. Any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 may choose either the average rate classification method or the filed rate method, provided that the method used may only be changed once without receiving the consent of the director of the division of workers' compensation. The director may advance funds from the workers' compensation fund to the second injury fund if surcharge collections prove to be insufficient. Any funds advanced from the workers' compensation fund to the second injury fund must be reimbursed by the second injury fund no later than December thirty-first of the year following the advance. The surcharge shall be collected from policyholders by each insurer at the same time and in the same manner that the premium is collected, but no insurer or its agent shall be entitled to any portion of the surcharge as a fee or commission for its collection. The surcharge is not subject to any taxes, licenses or fees.

3. All surcharge amounts imposed by this section shall be deposited to the credit of the second injury fund.

4. Such surcharge amounts shall be paid quarterly by insurers and self-insurers, and insurers shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. If the director of the division of workers' compensation fails

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to calculate the surcharge by the thirty-first day of October of any year for the following year, any increase in the surcharge ultimately set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director makes such determination.

5. If a policyholder or self-insured fails to make payment of the surcharge or an insurer fails to make timely transfer to the division of surcharges actually collected from policyholders, as required by this section, a penalty of one-half of one percent of the surcharge unpaid, or untransferred, shall be assessed against the liable policyholder, self-insured or insurer. Penalties assessed under this subsection shall be collected in a civil action by a summary proceeding brought by the director of the division of workers' compensation.

6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed ~~three~~ one percent for calendar years 2014 to ~~2022~~ 2026 of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest ~~one-half~~ one-quarter of a percentage point. ~~[For calendar year 2023, the director of the division of workers' compensation shall collect a supplemental surcharge not to exceed two and one-half percent of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest one-half of a percentage point.]~~ All policyholders and self-insurers shall be notified by the division of the supplemental surcharge percentage to be imposed for such period of time as part of the notice provided in subsection 2 of this section. The provisions of this subsection shall expire on December 31, ~~2023~~ 2026.

7. Funds collected under the provisions of this chapter shall be the sole funding source of the second injury fund.

320.336. TERMINATION FROM EMPLOYMENT PROHIBITED, WHEN — LOSS OF PAY PERMITTED, WHEN — WRITTEN VERIFICATION OF SERVICE PERMITTED — EMPLOYER NOTIFICATION REQUIREMENTS — EMPLOYMENT RIGHTS, ATTORNEY GENERAL TO ENFORCE, WHEN. — 1. No public or private employer shall terminate an employee for joining any fire department or fire protection district, including but not limited to any municipal, volunteer, rural, or subscription fire department or organization or any volunteer fire protection association, as a volunteer firefighter, or the Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team, or being activated to a national disaster response by the Federal Emergency Management Agency (FEMA).

2. No public or private employer shall terminate an employee who is a volunteer firefighter, a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, or Urban Search and Rescue Team because the employee, when acting as a volunteer firefighter, or as a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA is absent from or late to his or her employment in order to respond to an emergency before the time the employee is to report to his or her place of employment.

3. An employer may charge against the employee's regular pay any employment time lost by an employee who is a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA because of the employee's response to an emergency in the course of performing his or her duties as a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA.

4. In the case of an employee who is a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA and who loses time from his or her employment in order to respond to an emergency in the course of performing his or her duties as a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA, the employer

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has the right to request the employee to provide the employer with a written statement from the supervisor or acting supervisor of the volunteer fire department or the commander of Missouri-1 Disaster Medical Assistance Team or the FEMA supervisor stating that the employee responded to an emergency and stating the time and date of the emergency.

5. An employee who is a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA and who may be absent from or late to his or her employment in order to respond to an emergency in the course of performing his or her duties as a volunteer firefighter, or a member of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team, or FEMA shall make a reasonable effort to notify his or her employer that he or she may be absent or late.

6. Any member of Missouri Task Force One shall be entitled to the initial employment rights, reemployment rights, retention in employment rights, promotion rights, and discrimination protections provided by Title 38 of the United States Code, the Revised Statutes of Missouri, and all amendments thereto. The attorney general shall enforce the rights and protections contained in this subsection for members of Missouri Task Force One.

320.400. CRITICAL ILLNESS BENEFITS POOL — DEFINITIONS — CREATION, EMPLOYER CONTRIBUTIONS — BENEFITS, AMOUNT — OTHER PAYMENTS, WHEN — GRANTS — EFFECT ON WORKER'S COMPENSATION DETERMINATIONS. — 1. For purposes of this section, the following terms mean:

(1) "Covered individual", a [firefighter] first responder who:

(a) Is a paid employee or is a volunteer [firefighter as defined in section 320.333];

(b) Has been assigned to at least five years of hazardous duty as a [firefighter] paid employee or volunteer;

(c) Was exposed to [an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Health Care Policy and Research, the American Society for Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute] or diagnosed with a critical illness type;

(d) Was last assigned to hazardous duty [as a firefighter] within the previous fifteen years; and

(e) In the case of a diagnosis of cancer, is not seventy years of age or older at the time of the diagnosis of cancer;

(2) "Critical illness", one of the following:

(a) In the case of a cancer claim, exposure to an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Healthcare Research and Quality, the American Society of Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute;

(b) In the case of a posttraumatic stress injury claim, such an injury that is diagnosed by a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and established by a preponderance of the evidence to have been caused by the employment conditions of the first responder;

(3) "Dependent", the same meaning as in section 287.240;

[3] (4) "Emergency medical technician-basic", the same meaning as in section 190.100;

(5) "Emergency medical technician-paramedic", the same meaning as in section 190.100;

(6) "Employer", any political subdivision of the state;

[4] (7) "First responder", a firefighter, emergency medical technician-basic or emergency medical technician-paramedic, or telecommunicator;

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(8) "Posttraumatic stress injury", any psychological or behavioral health injury suffered by and through the employment of an individual due to exposure to stressful and life-threatening situations and rigors of the employment, excluding any posttraumatic stress injuries that may arise solely as a result of a legitimate personnel action by an employer such as a transfer, promotion, demotion, or termination;

(9) "Telecommunicator", the same meaning as in section 650.320;

(10) "Voluntary [firefighter cancer] critical illness benefits pool" or "pool", an entity described in section 537.620 that is established for the purposes of this section;

(11) "Volunteer", a volunteer firefighter, as defined in section 320.333; volunteer emergency medical technician-basic; volunteer emergency medical technician-paramedic; or volunteer telecommunicator.

2. (1) Three or more employers may create a [voluntary firefighter cancer benefits] pool for the purpose of this section. Notwithstanding the provisions of sections 537.620 to 537.650 to the contrary, a pool created pursuant to this section may allow covered individuals to join the pool. An employer or covered individual may make contributions into the [voluntary firefighter cancer benefits] pool established for the purpose of this section. Any professional organization formed for the purpose, in whole or in part, of representing or providing resources for any covered individual may make contributions to the pool on behalf of any covered individual without the professional organization itself joining the pool. The contribution levels and award levels shall be set by the board of trustees of the pool.

(2) For a covered individual or an employer that chooses to make contributions into the [voluntary firefighter cancer benefits] pool, the pool shall provide the minimum benefits specified by the board of trustees of the pool to covered individuals, based on the award level of the [cancer] critical illness at the time of diagnosis, after the employer or covered individual becomes a participant.

(3) Benefit levels for cancer shall be established by the board of trustees of the pool based on the category and stage of the cancer. Benefit levels for a posttraumatic stress injury shall be established by the board of trustees of the pool. Awards of benefits may be made to the same individual for both cancer and posttraumatic stress injury provided the qualifications for both awards are met.

(4) In addition to [an] a cancer award pursuant to subdivision (3) of this subsection:

(a) A payment may be made from the pool to a covered individual for the actual award, up to twenty-five thousand dollars, for rehabilitative or vocational training employment services and educational training relating to the cancer diagnosis;

(b) A payment may be made to covered individual of up to ten thousand dollars if the covered individual incurs cosmetic disfigurement costs resulting from cancer.

(5) If the cancer is diagnosed as terminal cancer, the covered individual may receive a lump-sum payment of twenty-five thousand dollars as an accelerated payment toward the benefits due based on the benefit levels established pursuant to subdivision (3) of this subsection.

(6) The covered individual may receive additional awards if the cancer increases in award level, but the amount of any benefit paid earlier for the same cancer may be subtracted from the new award.

(7) If a covered individual dies while owed benefits pursuant to this section, the benefits shall be paid to the dependent or domestic partner, if any, at the time of death. If there is no dependent or domestic partner, the obligation of the pool to pay benefits shall cease.

(8) If a covered individual returns to the same position of employment after a cancer diagnosis, the covered individual may receive benefits in this section for any subsequent new type of covered cancer diagnosis.

(9) The cancer benefits payable pursuant to this section shall be reduced by twenty-five percent if a covered individual used a tobacco product within the five years immediately preceding the cancer diagnosis.

(10) A cancer claim for benefits from the pool shall be filed no later than two years after the diagnosis of the cancer. The claim for each type of cancer needs to be filed only once to allow the pool to increase the award level pursuant to subdivision (3) of this subsection.

(11) A payment may be made from the pool to a covered individual for the actual award, up to ten thousand dollars, for seeking treatment with a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and any subsequent courses of treatment recommended by such licensed individuals. If a covered individual returns to the same position of employment after a posttraumatic stress injury diagnosis, the covered individual may receive benefits in this section for the continued treatment of such injury or any subsequently covered posttraumatic stress injury diagnosis.

(12) For purposes of all other employment policies and benefits that are not workers' compensation benefits payable under chapter 287, health insurance, and any benefits paid pursuant to chapter 208, a covered individual's [cancer] critical illness diagnosis shall be treated as an on-the-job injury or illness.

3. The board of trustees of [the pool] a pool created pursuant to this section may:

(1) Create a program description to further define or modify the benefits of this section;

(2) Modify the contribution rates, benefit levels, including the maximum amount, consistent with subdivision (1) of this subsection, and structure of the benefits based on actuarial recommendations and with input from a committee of the pool; and

(3) Set a maximum amount of benefits that may be paid to a covered individual for each [cancer] critical illness diagnosis.

4. The board of trustees of the pool shall be considered a public governmental body and shall be subject to all of the provisions of chapter 610.

5. A pool may accept or apply for any grants or donations from any private or public source.

6. (1) Any pool may apply to the state fire marshal for a grant for the [purpose of establishing a voluntary firefighter cancer benefits] pool. The state fire marshal shall disburse grants to the pool upon receipt of the application.

(2) The state fire marshal may grant money disbursed under section 287.245 to be used for the purpose of setting up a pool.

[(3) This subsection shall expire on June 30, 2023.]

7. (1) This [subsection] section shall not affect any determination as to whether a covered individual's [cancer] critical illness arose out of and in the course of employment and is a compensable injury pursuant to chapter 287. Receipt of benefits from [the] a pool under this section shall not be considered competent evidence or proof by itself of a compensable injury under chapter 287.

(2) Should it be determined that a covered individual's [cancer] critical illness arose out of and in the course of employment and is a compensable injury under chapter 287, the compensation and death benefit provided under chapter 287 shall be reduced one hundred percent by any benefits received from the pool under this section.

(3) The employer in any claim made pursuant to chapter 287 shall be subrogated to the right of the employee or to the dependent or domestic partner to receive benefits from [the] a pool and such employer may recover any amounts which such employee or the dependent or domestic partner would have been entitled to recover from [the] a pool under this section. Any receipt of benefits from the pool under this section shall be treated as an advance payment by the employer, on account of any future installments of benefits payable pursuant to chapter 287.

321.225. EMERGENCY AMBULANCE SERVICES, MAY PROVIDE — ELECTION — TAX LEVY — ADDITIONAL TAX LEVY, PARAMEDIC FIRST RESPONDER PROGRAM — DEFEAT OF LEVY, OLD LEVY TO REMAIN IN EFFECT — EMERGENCY, DEFINED. — 1. A fire protection district may, in addition to its other powers and duties, provide emergency ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not

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Matter underscored is proposed language.

to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an emergency ambulance service as it does in operating its fire protection service.

2. The proposition to furnish emergency ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of _____ Fire Protection District be authorized to provide emergency ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of emergency ambulance service and the levy, the district shall forthwith commence such service.

5. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

6. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service or partial or complete support of [an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician] a paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the _____ Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?

☐ FOR THE PROPOSITION

☐ AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

321.620. AMBULANCE SERVICES MAY BE PROVIDED — EMERGENCY, DEFINED — ELECTION HELD WHEN, PROCEDURE TO CALL — ADDITIONAL TAX LEVY, PARAMEDIC FIRST RESPONDER PROGRAM, AMOUNT — IF TAX LEVY FAILS, OLD LEVY TO REMAIN IN EFFECT. —

1. Fire protection districts in first class counties may, in addition to their other powers and duties, provide ambulance service within their district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an ambulance service as it

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does in operating its fire protection service. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

2. The proposition to furnish ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board or upon petition by five hundred voters of such district.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of _____ Fire Protection District be authorized to provide ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of ambulance service and the levy, the district shall forthwith commence such service.

5. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service, or partial or complete support of [an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician] a paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the _____ Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?

☐ FOR THE PROPOSITION

☐ AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote).

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

537.037. EMERGENCY CARE, NO CIVIL LIABILITY, EXCEPTIONS (GOOD SAMARITAN LAW).

— 1. Any physician or surgeon, registered professional nurse or licensed practical nurse licensed to practice in this state under the provisions of chapter 334 or 335, or licensed to practice under the equivalent laws of any other state and any person licensed as [a mobile] an emergency medical technician under the provisions of chapter 190, may:

(1) In good faith render emergency care or assistance, without compensation, at the scene of an emergency or accident, and shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care;

(2) In good faith render emergency care or assistance, without compensation, to any minor involved in an accident, or in competitive sports, or other emergency at the scene of an accident, without first obtaining the consent of the parent or guardian of the minor, and shall not be liable for any civil damages other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering the emergency care.

2. Any other person who has been trained to provide first aid in a standard recognized training program may, without compensation, render emergency care or assistance to the level for which he or she has been trained, at the scene of an emergency or accident, and shall not be liable for civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

3. Any mental health professional, as defined in section 632.005, or qualified counselor, as defined in section 631.005, or any practicing medical, osteopathic, or chiropractic physician, or certified nurse practitioner, or physicians' assistant may in good faith render suicide prevention interventions at the scene of a threatened suicide and shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such suicide prevention interventions.

4. Any other person may, without compensation, render suicide prevention interventions at the scene of a threatened suicide and shall not be liable for civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such suicide prevention interventions.

579.088. FENTANYL, DEVICES TO DETECT THE PRESENCE OF PERMITTED. — Notwithstanding any other provision of this chapter or chapter 195 to the contrary, it shall not be unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances to detect the presence of fentanyl or any synthetic controlled substance fentanyl analogue.

595.209. RIGHTS OF VICTIMS AND WITNESSES — WRITTEN NOTIFICATION, REQUIREMENTS. — 1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023, victims of any offense under chapter 566, victims of an attempt to commit one of the preceding crimes, as defined in section 562.012, and victims of domestic assault, as defined in sections 565.072 to 565.076; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:

(1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called to testify or may be called to testify as a witness in the case;

(2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;

(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days;

(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;

(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:

(a) The status of any case concerning a crime against the victim, including juvenile offenses;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;

(c) Any release of such person on bond or for any other reason;

(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings, the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room in such a way that the victim is shielded from the view of the probationer or parolee, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of personal appearance;

(7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552 of the following:

(a) The projected date of such person's release from confinement;

(b) Any release of such person on bond;

(c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;

(d) Any scheduled parole or release hearings, including hearings under section 217.362, regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;

(e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding over releases under section 217.362, to release such person or any decision by the governor to commute the sentence of such person or pardon such person;

(g) Notification within thirty days of the death of such person;

(8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled;

(9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;

(11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;

(12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(13) When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;

(14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require any witness, victim, or member of a victim's immediate family to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in the preparation of a criminal proceeding;

(15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

(16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their written request, case status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;

(17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration;

(18) For victims, the right to receive upon request from the department of corrections a photograph taken of the defendant prior to release from incarceration.

2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of this section shall provide the appropriate person or agency with their current addresses, electronic mail addresses, and telephone numbers or the addresses, electronic mail addresses, or telephone numbers at which they wish notification to be given.

4. Notification by the appropriate person or agency utilizing the statewide automated crime victim notification system as established in section 650.310 shall constitute compliance with the victim notification requirement of this section. If notification utilizing the statewide automated crime victim

notification system cannot be used, then written notification shall be sent by certified mail or electronic mail to the most current address or electronic mail address provided by the victim.

5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant to exclude victims or prevent their full participation in each and every phase of parole hearings or probation revocation hearings. The rights of the victims granted in this section are absolute and the policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has an absolute right to be present at any hearing in which the defendant is present before a probation and parole hearing officer.

650.320. DEFINITIONS. — For the purposes of sections 650.320 to 650.340, the following terms mean:

- (1) "Ambulance service", the same meaning given to the term in section 190.100;
- (2) "Board", the Missouri 911 service board established in section 650.325;
- (3) "Dispatch agency", the same meaning given to the term in section 190.100;
- (4) "Medical director", the same meaning given to the term in section 190.100;
- (5) "Memorandum of understanding", the same meaning given to the term in section 190.100;
- ~~[(2)]~~ (6) "Public safety answering point", the location at which 911 calls are answered;
- ~~[(3)]~~ (7) "Telecommunicator first responder", any person employed as an emergency ~~[telephone worker,]~~ call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

650.330. BOARD MEMBERS, DUTIES — DEPARTMENT OF PUBLIC SAFETY TO PROVIDE STAFF — RULEMAKING AUTHORITY. — 1. The board shall consist of fifteen members, one of which shall be chosen from the department of public safety, and the other members shall be selected as follows:

- (1) One member chosen to represent an association domiciled in this state whose primary interest relates to municipalities;
- (2) One member chosen to represent the Missouri 911 Directors Association;
- (3) One member chosen to represent emergency medical services and physicians;
- (4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;
- (5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;
- (6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;
- (7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;
- (8) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;
- (9) One member chosen to represent counties of the second, third, and fourth classification;
- (10) One member chosen to represent counties of the first classification, counties with a charter form of government, and cities not within a county;
- (11) One member chosen to represent telecommunications service providers;
- (12) One member chosen to represent wireless telecommunications service providers;
- (13) One member chosen to represent voice over internet protocol service providers; and
- (14) One member chosen to represent the governor's council on disability established under section 37.735.

2. Each of the members of the board shall be appointed by the governor with the advice and consent of the senate for a term of four years. Members of the committee may serve multiple terms. No corporation or its affiliate shall have more than one officer, employee, assign, agent, or other representative serving as a member of the board. Notwithstanding subsection 1 of this section to the contrary, all members appointed as of August 28, 2017, shall continue to serve the remainder of their terms.

3. The board shall meet at least quarterly at a place and time specified by the chairperson of the board and it shall keep and maintain records of such meetings, as well as the other activities of the board. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the board.

4. The board shall:

- (1) Organize and adopt standards governing the board's formal and informal procedures;
- (2) Provide recommendations for primary answering points and secondary answering points on technical and operational standards for 911 services;
- (3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;
- (4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that the board shall not supersede decision-making authority of local political subdivisions in regard to 911 services;
- (5) Provide assistance to the governor and the general assembly regarding 911 services;
- (6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;
- (7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;
- (8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state, including monitoring federal and industry standards being developed for next-generation 911 systems;
- (9) Designate a state 911 coordinator who shall be responsible for overseeing statewide 911 operations and ensuring compliance with federal grants for 911 funding;
- (10) Elect the chair from its membership;
- (11) Apply for and receive grants from federal, private, and other sources;
- (12) Report to the governor and the general assembly at least every three years on the status of 911 services statewide, as well as specific efforts to improve efficiency, cost-effectiveness, and levels of service;
- (13) Conduct and review an annual survey of public safety answering points in Missouri to evaluate potential for improved services, coordination, and feasibility of consolidation;
- (14) Make and execute contracts or any other instruments and agreements necessary or convenient for the exercise of its powers and functions, including for the development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;
- (15) Develop a plan and timeline of target dates for the testing, implementation, and operation of a next-generation 911 system throughout Missouri. The next-generation 911 system shall allow for the processing of electronic messages including, but not limited to, electronic messages containing text, images, video, or data;
- (16) Administer and authorize grants and loans under section 650.335 to those counties and any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants that can demonstrate a financial commitment to improving 911 services by providing at least a fifty percent

match and demonstrate the ability to operate and maintain ongoing 911 services. The purpose of grants and loans from the 911 service trust fund shall include:

- (a) Implementation of 911 services in counties of the state where services do not exist or to improve existing 911 systems;
- (b) Promotion of consolidation where appropriate;
- (c) Mapping and addressing all county locations;
- (d) Ensuring primary access and texting abilities to 911 services for disabled residents;
- (e) Implementation of initial emergency medical dispatch services, including prearrival medical instructions in counties where those services are not offered as of July 1, 2019; and
- (f) Development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;
- (17) Develop an application process including reporting and accountability requirements, withholding a portion of the grant until completion of a project, and other measures to ensure funds are used in accordance with the law and purpose of the grant, and conduct audits as deemed necessary;
- (18) Set the percentage rate of the prepaid wireless emergency telephone service charges to be remitted to a county or city as provided under subdivision (5) of subsection 3 of section 190.460;
- (19) Retain in its records proposed county plans developed under subsection 11 of section 190.455 and notify the department of revenue that the county has filed a plan that is ready for implementation;
- (20) Notify any communications service provider, as defined in section 190.400, that has voluntarily submitted its contact information when any update is made to the centralized database established under section 190.475 as a result of a county or city establishing or modifying a tax or monthly fee no less than ninety days prior to the effective date of the establishment or modification of the tax or monthly fee;
- (21) Establish criteria for consolidation prioritization of public safety answering points;
- (22) In coordination with existing public safety answering points, by December 31, 2018, designate no more than eleven regional 911 coordination centers which shall coordinate statewide interoperability among public safety answering points within their region through the use of a statewide 911 emergency services network; and
- (23) Establish an annual budget, retain records of all revenue and expenditures made, retain minutes of all meetings and subcommittees, post records, minutes, and reports on the board's webpage on the department of public safety website; and
- (24) Promote and educate the public about the critical role of telecommunicator first responders in protecting the public and ensuring public safety.

5. The department of public safety shall provide staff assistance to the board as necessary in order for the board to perform its duties pursuant to sections 650.320 to 650.340. The board shall have the authority to hire consultants to administer the provisions of sections 650.320 to 650.340.

6. The board shall promulgate rules and regulations that are reasonable and necessary to implement and administer the provisions of sections 190.455, 190.460, 190.465, 190.470, 190.475, and sections 650.320 to 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

650.335. LOANS AND FINANCIAL ASSISTANCE FROM PREPAID WIRELESS EMERGENCY TELEPHONE CHARGES — APPLICATION, PROCEDURE, REQUIREMENTS. — 1. (1) Any county or any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

with more than thirty-seven thousand but fewer than forty-one thousand inhabitants, or a regional planning commission as defined in section 70.515 that provides emergency telephone service to multiple counties, when the prepaid wireless emergency telephone service charge is collected in the county or city, may submit an application for loan funds or other financial assistance to the board for the purpose of financing all or a portion of the costs incurred in implementing a 911 communications service project. If a county has an elected emergency services board, the elected emergency service board shall be eligible for loan funds or other financial assistance under this section.

(2) The application shall be accompanied by a technical assistance report. The application and the technical assistance report shall be in such form and contain such information, financial or otherwise, as prescribed by the board.

(3) This section shall not preclude any applicant or borrower from joining in a cooperative project with any other political subdivision or with any state or federal agency or entity in a 911 communications service project, provided that all other requirements of this section have been met.

2. Applications may be approved for loans only in those instances where the applicant has furnished the board information satisfactory to assure that the project cost will be recovered during the repayment period of the loan. In no case shall a loan be made to an applicant unless the approval of the governing body of the applicant to the loan agreement is obtained and a written certification of such approval is provided, where applicable. Repayment periods are to be determined by the board.

3. The board shall approve or disapprove all applications for loans which are sent by certified or registered mail or hand delivered and received by the board upon a schedule as determined by the board.

4. Each applicant to whom a loan has been made under this section shall repay such loan, with interest. The rate of interest shall be the rate required by the board. The number, amounts, and timing of the payments shall be as determined by the board.

5. Any applicant who receives a loan under this section shall annually budget an amount which is at least sufficient to make the payments required under this section.

6. Repayment of principal and interest on loans shall be credited to the Missouri 911 service trust fund established under section 190.420.

7. If a loan recipient fails to remit a payment to the board in accordance with this section within sixty days of the due date of such payment, the board shall notify the director of the department of revenue to deduct such payment amount from first, the prepaid wireless emergency telephone service charge remitted to the county or city under section 190.460; and if insufficient to affect repayment of the loan, next, the regular apportionment of local sales tax distributions to that county or city. Such amount shall then immediately be deposited in the Missouri 911 service trust fund and credited to the loan recipient.

8. All applicants having received loans under this section shall remit the payments required by subsection 4 of this section to the board or such other entity as may be directed by the board. The board or such other entity shall immediately deposit such payments in the Missouri 911 service trust fund.

9. Loans made under this section shall be used only for the purposes specified in an approved application or loan agreement. In the event the board determines that loan funds have been expended for purposes other than those specified in an approved application or loan agreement or any event of default of the loan agreement occurs without resolution, the board shall take appropriate actions to obtain the return of the full amount of the loan and all moneys duly owed or other available remedies.

10. Upon failure of a borrower to remit repayment to the board within sixty days of the date a payment is due, the board may initiate collection or other appropriate action through the provisions outlined in subsection 7 of this section, if applicable.

11. If the borrower is an entity not covered under the collection procedures established in this section, the board, with the advice and consent of the attorney general, may initiate collection procedures or other appropriate action pursuant to applicable law.

12. The board may, at its discretion, audit the expenditure of any loan, grant, or expenditure made or the computation of any payments made.

13. The board shall not approve any application made under this section if the applicant has failed to return the board's annual survey of public safety answering points as required by the board under section 650.330.

650.340. 911 TRAINING AND STANDARDS — REQUIREMENTS. — 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for [telecommunicators] telecommunicator first responders who answer 911 calls that come to public safety answering points shall be as follows:

- (1) Police telecommunicator first responder, 16 hours;
- (2) Fire telecommunicator first responder, 16 hours;
- (3) Emergency medical services telecommunicator first responder, 16 hours;
- (4) Joint communication center telecommunicator first responder, 40 hours.

3. All persons employed as a telecommunicator first responder in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator first responder. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section.

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator or a telecommunicator first responder after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator or telecommunicator first responder.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which is at least as stringent as the training requirements of subsection 2 of this section.

6. The board shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. [This section shall not apply to an emergency medical dispatcher or agency as defined in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134.] The board shall be responsible for the approval of training courses for emergency medical dispatchers. The board shall develop necessary rules and regulations in collaboration with the state EMS medical director's advisory committee, as described in section 190.103, which may provide recommendations relating to the medical aspects of prearrival medical instructions.

8. A dispatch agency is required to have a memorandum of understanding with all ambulance services that it dispatches. If a dispatch agency provides prearrival medical instructions, it is required to have a medical director whose duties include the maintenance of standards and approval of protocols or guidelines.

SECTION 1. ADVANCE HEALTH CARE DIRECTIVE FORM AND DIRECTIONS TO BE INCLUDED ON DEPARTMENT WEBSITE. — The department of health and senior services shall include on its website an advance health care directive form and directions for completing such form as described in section 459.015. The department shall include a listing of possible uses for an advance health care directive, including to limit pain control to nonopioid measures.

[190.134. DISPATCH AGENCY, REQUIREMENTS. — A dispatch agency is required to have a memorandum of understanding with all ambulance services that it dispatches. If a dispatch agency

provides prearrival medical instructions, it is required to have a medical director, whose duties include the maintenance of standards and protocol approval.]

Approved July 6, 2023

SS SB 25

Enacts provisions relating to a tax exemption for certain federal grants.

AN ACT to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to a tax exemption for certain federal grants.

SECTION

A Enacting clause.

143.121 Missouri adjusted gross income.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 143.121, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.121, to read as follows:

143.121. MISSOURI ADJUSTED GROSS INCOME. — 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability pursuant to Public Law 116-136 or 116-260, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171. The amount added under this subdivision shall also not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability under any other federal law that provides direct economic impact payments to taxpayers to mitigate financial challenges related to the COVID-19 pandemic, and deducted from Missouri adjusted gross income under section 143.171;

(2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter underscored is proposed language.

that would have been deductible pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia;

(6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as amended, in the current taxable year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest received on deposits held at a federal reserve bank or interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection;

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan;
- (i) Livestock Gross Margin Insurance Plan;

(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist; **[and]**

(12) One hundred percent of any retirement benefits received by any taxpayer as a result of the taxpayer's service in the Armed Forces of the United States, including reserve components and the National Guard of this state, as defined in 32 U.S.C. Sections 101(3) and 109, and any other military force organized under the laws of this state; and

(13) One hundred percent of any federal grant moneys received for the purpose of providing or expanding access to broadband internet to areas of the state deemed to be lacking such access.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

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Matter underscored is proposed language.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

Approved June 7, 2023

CCS SB 28

Enacts provisions relating to access to certain records, with penalty provisions and an emergency clause for a certain section.

AN ACT to repeal sections 37.725, 43.539, 43.540, 105.1500, 193.265, and 610.021, RSMo, and to enact in lieu thereof nine new sections relating to access to certain records, with penalty provisions and an emergency clause for a certain section.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

SECTION

- A Enacting clause.
- 37.725 Files may be disclosed at discretion of child advocate, exceptions — privileged information — penalty for disclosure of confidential material.
- 43.253 Fee for certain records request, amount — increase permitted, cap.
- 43.539 Criminal record review, youth agencies and care of children, elderly, or disabled persons — definitions — Rap Back program, requirements, fingerprints — information to be provided by applicant — confidentiality — notification and forms provided by patrol.
- 43.540 Criminal record review, certain applicants and qualified entities — definitions — Rap Back program, requirements, fingerprints — information to be provided by applicant — confidentiality — notifications and forms provided by patrol.
- 105.1500 Citation of law — definitions — public agencies, personal information disclosures, not required, when — exceptions — violations, remedies — inapplicability, when.
- 193.265 Fees for certification and other services — distribution — services free, when.
- 195.817 Fingerprinting requirements, marijuana facilities — definitions.
- 210.1360 Minors receiving child care, confidentiality of certain information, exceptions.
- 610.021 Closed meetings and closed records authorized when, exceptions.
- B Emergency clause for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 37.725, 43.539, 43.540, 105.1500, 193.265, and 610.021, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 37.725, 43.253, 43.539, 43.540, 105.1500, 193.265, 195.817, 210.1360, and 610.021, to read as follows:

37.725. FILES MAY BE DISCLOSED AT DISCRETION OF CHILD ADVOCATE, EXCEPTIONS — PRIVILEGED INFORMATION — PENALTY FOR DISCLOSURE OF CONFIDENTIAL MATERIAL. —

1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:

(1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; ~~or~~

(2) Such disclosure is required by court order; or

(3) The disclosure is at the request of law enforcement as part of an investigation.

2. Any statement or communication made by the office relevant to a complaint received by, proceedings before, or activities of the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged and such person shall be immune from suit.

3. Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to receive it, the name of any witness examined or any information obtained or given during such examination is guilty of a class A misdemeanor. However, the office conducting or participating in any examination of a complaint shall disclose the final result of the examination with the consent of the recipient.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections 37.700 to 37.730, or where otherwise required by court order.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter underscored is proposed language.

43.253. FEE FOR CERTAIN RECORDS REQUEST, AMOUNT — INCREASE PERMITTED, CAP.

— 1. Notwithstanding any other provision of law to the contrary, a minimum fee of six dollars may be charged by the Missouri state highway patrol for a records request for a Missouri Uniform Crash Report or Marine Accident Investigation Report where there are allowable fees of less than six dollars under this chapter or chapter 610. Such six-dollar fee shall be in place of any allowable fee of less than six dollars.

2. The superintendent of the Missouri state highway patrol may increase the minimum fee described in this section by no more than one dollar every other year beginning August 28, 2024; however, the minimum fee described in this section shall not exceed ten dollars.

43.539. CRIMINAL RECORD REVIEW, YOUTH AGENCIES AND CARE OF CHILDREN, ELDERLY, OR DISABLED PERSONS — DEFINITIONS — RAP BACK PROGRAM, REQUIREMENTS, FINGERPRINTS — INFORMATION TO BE PROVIDED BY APPLICANT — CONFIDENTIALITY — NOTIFICATION AND FORMS PROVIDED BY PATROL. — 1. As used in this section, the following terms mean:

- (1) "Applicant", a person who:
 - (a) Is actively employed by or seeks employment with a qualified entity;
 - (b) Is actively licensed or seeks licensure with a qualified entity;
 - (c) Actively volunteers or seeks to volunteer with a qualified entity;
 - (d) Is actively contracted with or seeks to contract with a qualified entity; or
 - (e) Owns or operates a qualified entity;
- (2) "Care", the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or disabled persons;
- (3) "Missouri criminal record review", a review of criminal history records and sex offender registration records under sections 589.400 to 589.425 maintained by the Missouri state highway patrol in the Missouri criminal records repository;
- (4) "Missouri Rap Back program", any type of automatic notification made by the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense in Missouri as required under section 43.506;
- (5) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;
- (6) "National Rap Back program", any type of automatic notification made by the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;
- (7) "Patient or resident", a person who by reason of age, illness, disease, or physical or mental infirmity receives or requires care or services furnished by an applicant, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated, or accommodated in a facility as defined in section 198.006, for a period exceeding twenty-four consecutive hours;
- (8) "Qualified entity", a person, business, or organization that provides care, care placement, or educational services for children, the elderly, or persons with disabilities as patients or residents, including a business or organization that licenses or certifies others to provide care or care placement services;
- (9) "Youth services agency", any agency, school, or association that provides programs, care, or treatment for or exercises supervision over minors.

2. The central repository shall have the authority to submit applicant fingerprints to the National Rap Back program to be retained for the purpose of being searched against future submissions to the

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Matter underscored is proposed language.

National Rap Back program, including latent fingerprint searches. Qualified entities may conduct Missouri and national criminal record reviews on applicants and participate in Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a permit, license, or employment, and shall abide by the following requirements:

(1) The qualified entity shall register with the Missouri state highway patrol prior to submitting a request for screening under this section. As part of the registration, the qualified entity shall indicate if it chooses to enroll applicants in the Missouri and National Rap Back programs;

(2) Qualified entities shall notify applicants subject to a criminal record review under this section that the applicant's fingerprints shall be retained by the state central repository and the Federal Bureau of Investigation and shall be searched against other fingerprints on file, including latent fingerprints;

(3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back program that the applicant's fingerprints, while retained, may continue to be compared against other fingerprints submitted or retained by the Federal Bureau of Investigation, including latent fingerprints;

(4) The criminal record review and Rap Back process described in this section shall be voluntary and conform to the requirements established in the National Child Protection Act of 1993, as amended, and other applicable state or federal law. As a part of the registration, the qualified entity shall agree to comply with state and federal law and shall indicate so by signing an agreement approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure compliance with federal law and this section;

(5) A qualified entity shall submit to the Missouri state highway patrol a request for screening on applicants covered under this section using a completed fingerprint card;

(6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with the National Child Protection Act of 1993, as amended, and other applicable state or federal laws;

(7) The Missouri state highway patrol shall provide, directly to the qualified entity, the applicant's state criminal history records that are not exempt from disclosure under chapter 610 or otherwise confidential under law;

(8) The national criminal history data shall be available to qualified entities to use only for the purpose of screening applicants as described under this section. The Missouri state highway patrol shall provide the applicant's national criminal history record information directly to the qualified entity;

(9) The determination whether the criminal history record shows that the applicant has been convicted of or has a pending charge for any crime that bears upon the fitness of the applicant to have responsibility for the safety and well-being of children, the elderly, or disabled persons shall be made solely by the qualified entity. This section shall not require the Missouri state highway patrol to make such a determination on behalf of any qualified entity;

(10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a copy of any criminal record review, including the criminal history records, if any, contained in the report and of the applicant's right to challenge the accuracy and completeness of any information contained in any such report and obtain a determination as to the validity of such challenge before a final determination regarding the applicant is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the Missouri state highway patrol for those applicants subject to the required screening; and

(11) Failure to obtain the information authorized under this section, with respect to an applicant, shall not be used as evidence in any negligence action against a qualified entity. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this section.

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Matter underscored is proposed language.

3. The criminal record review shall include the submission of fingerprints to the Missouri state highway patrol, who shall conduct a Missouri criminal record review, including closed record information under section 610.120. The Missouri state highway patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record review.

4. The applicant subject to a criminal record review shall provide the following information to the qualified entity:

(1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and participate in the Missouri and National Rap Back programs;

(2) Consent to obtain the identifying information required to conduct the criminal record review, which may include, but not be limited to:

- (a) Name;
- (b) Date of birth;
- (c) Height;
- (d) Weight;
- (e) Eye color;
- (f) Hair color;
- (g) Gender;
- (h) Race;
- (i) Place of birth;
- (j) Social Security number; and
- (k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity under the provisions of this section shall be used solely for internal purposes in determining the suitability of an applicant. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential, and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. A qualified entity enrolled in either the Missouri or National Rap Back program shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:

(1) The entity has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;

(2) The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section [within the previous six years]; and

(3) The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.

7. The Missouri state highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

43.540. CRIMINAL RECORD REVIEW, CERTAIN APPLICANTS AND QUALIFIED ENTITIES — DEFINITIONS — RAP BACK PROGRAM, REQUIREMENTS, FINGERPRINTS — INFORMATION TO BE PROVIDED BY APPLICANT — CONFIDENTIALITY — NOTIFICATIONS AND FORMS PROVIDED BY PATROL. — 1. As used in this section, the following terms mean:

(1) "Applicant", a person who:

- (a) Is actively employed by or seeks employment with a qualified entity;

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Matter underscored is proposed language.

- (b) Is actively licensed or seeks licensure with a qualified entity;
- (c) Actively volunteers or seeks to volunteer with a qualified entity; or
- (d) Is actively contracted with or seeks to contract with a qualified entity;

(2) "Missouri criminal record review", a review of criminal history records and sex offender registration records pursuant to sections 589.400 to 589.425 maintained by the Missouri state highway patrol in the Missouri criminal records repository;

(3) "Missouri Rap Back program", shall include any type of automatic notification made by the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense in Missouri as required under section 43.506;

(4) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;

(5) "National Rap Back program", shall include any type of automatic notification made by the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;

(6) "Qualified entity", an entity that is:

(a) An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to issue or renew a license, permit, certification, or registration of authority;

(b) An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to make fitness determinations on applications for state, county, or municipal government employment; or

(c) Any entity that is authorized to obtain criminal history record information under 28 CFR 20.33.

2. The central repository shall have the authority to submit applicant fingerprints to the National Rap Back program to be retained for the purpose of being searched against future submissions to the National Rap Back program, including latent fingerprint searches. Qualified entities may conduct Missouri and national criminal record reviews on applicants and participate in Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a permit, license, or employment, and shall abide by the following requirements:

(1) The qualified entity shall register with the Missouri state highway patrol prior to submitting a request for screening under this section. As part of such registration, the qualified entity shall indicate if it chooses to enroll their applicants in the Missouri and National Rap Back programs;

(2) Qualified entities shall notify applicants subject to a criminal record review under this section that the applicant's fingerprints shall be retained by the state central repository and the Federal Bureau of Investigation and shall be searched against other fingerprints on file, including latent fingerprints;

(3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back program that the applicant's fingerprints, while retained, may continue to be compared against other fingerprints submitted or retained by the Federal Bureau of Investigation, including latent fingerprints;

(4) The criminal record review and Rap Back process described in this section shall be voluntary and conform to the requirements established in Pub. L. 92-544 and other applicable state or federal law. As a part of the registration, the qualified entity shall agree to comply with state and federal law and shall indicate so by signing an agreement approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure compliance with federal law and this section;

(5) A qualified entity shall submit to the Missouri state highway patrol a request for screening on applicants covered under this section using a completed fingerprint card;

(6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with applicable state or federal laws;

(7) The Missouri state highway patrol shall provide, directly to the qualified entity, the applicant's state criminal history records that are not exempt from disclosure under chapter 610 or are otherwise confidential under law;

(8) The national criminal history data shall be available to qualified entities to use only for the purpose of screening applicants as described under this section. The Missouri state highway patrol shall provide the applicant's national criminal history record information directly to the qualified entity;

(9) This section shall not require the Missouri state highway patrol to make an eligibility determination on behalf of any qualified entity;

(10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a copy of any criminal record review, including the criminal history records, if any, contained in the report, and of the applicant's right to challenge the accuracy and completeness of any information contained in any such report and to obtain a determination as to the validity of such challenge before a final determination regarding the applicant is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the Missouri state highway patrol for those applicants subject to the required screening; and

(11) Failure to obtain the information authorized under this section with respect to an applicant shall not be used as evidence in any negligence action against a qualified entity. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this section.

3. The criminal record review shall include the submission of fingerprints to the Missouri state highway patrol, who shall conduct a Missouri criminal record review, including closed record information under section 610.120. The Missouri state highway patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record review.

4. The applicant subject to a criminal record review shall provide the following information to the qualified entity:

(1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and participate in the Missouri and National Rap Back programs;

(2) Consent to obtain the identifying information required to conduct the criminal record review, which may include, but not be limited to:

- (a) Name;
- (b) Date of birth;
- (c) Height;
- (d) Weight;
- (e) Eye color;
- (f) Hair color;
- (g) Gender;
- (h) Race;
- (i) Place of birth;
- (j) Social Security number; and
- (k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity pursuant to the provisions of this section shall be used solely for internal purposes in determining the suitability of an applicant. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record

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Matter underscored is proposed language.

check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. A qualified entity enrolled in either the Missouri or National Rap Back programs shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:

(1) The agency has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;

(2) The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section [within the previous six years]; and

(3) The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.

7. The highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

105.1500. CITATION OF LAW — DEFINITIONS — PUBLIC AGENCIES, PERSONAL INFORMATION DISCLOSURES, NOT REQUIRED, WHEN — EXCEPTIONS — VIOLATIONS, REMEDIES — INAPPLICABILITY, WHEN. — 1. This section shall be known and may be cited as "The Personal Privacy Protection Act".

2. As used in this section, the following terms mean:

(1) "Personal information", any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income [tax] taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended;

(2) "Public agency", the state and any political subdivision thereof including, but not limited to, any department, agency, office, commission, board, division, or other entity of state government; any county, city, township, village, school district, community college district; or any other local governmental unit, agency, authority, council, board, commission, state or local court, tribunal or other judicial or quasi-judicial body.

3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions listed under [subsection] subsections 4 and 6 of this section, a public agency shall not:

(a) Require any individual to provide the public agency with personal information or otherwise compel the release of personal information;

(b) Require any entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to provide the public agency with personal information or otherwise compel the release of personal information;

(c) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency without the express, written permission of every individual who is identifiable as a financial supporter of an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended; or

(d) Request or require a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to which it has provided financial or nonfinancial support.

(2) All personal information in the possession of a public agency shall be considered a closed record under chapter 610 and court operating rules.

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Matter underscored is proposed language.

4. The provisions of this section shall not preclude any individual or entity from being required to comply with any of the following:

(1) Submitting any report or disclosure required by this chapter or chapter 130;

(2) Responding to any lawful request or subpoena for personal information from the Missouri ethics commission as a part of an investigation, or publicly disclosing personal information as a result of an enforcement action from the Missouri ethics commission pursuant to its authority in sections 105.955 to 105.966;

(3) Responding to any lawful warrant for personal information issued by a court of competent jurisdiction;

(4) Responding to any lawful request for discovery of personal information in litigation if:

(a) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(b) The requestor obtains a protective order barring disclosure of personal information to any person not named in the litigation;

(5) Applicable court rules or admitting any personal information as relevant evidence before a court of competent jurisdiction. However, a submission of personal information to a court shall be made in a manner that it is not publicly revealed and no court shall publicly reveal personal information absent a specific finding of good cause; or

(6) Any report or disclosure required by state law to be filed with the secretary of state, provided that personal information obtained by the secretary of state is otherwise subject to the requirements of paragraph (c) of subdivision (1) of subsection 3 of this section, unless expressly required to be made public by state law.

5. (1) A person or entity alleging a violation of this section may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:

(a) A sum of moneys not less than two thousand five hundred dollars to compensate for injury or loss caused by each violation of this section; or

(b) For an intentional violation of this section, a sum of moneys not to exceed three times the sum described in paragraph (a) of this subdivision.

(2) A court, in rendering a judgment in an action brought under this section, may award all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, to the complainant in the action if the court determines that the award is appropriate.

(3) A person who knowingly violates this section is guilty of a class B misdemeanor.

6. This section shall not apply to:

(1) Personal information that a person or entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, submits or has previously submitted to a public agency for the purpose of seeking or obtaining, including acting on behalf of another to seek or obtain, a contract, grant, permit, license, benefit, tax credit, incentive, status, or any other similar item, including a renewal of the same, provided that a public agency shall not require an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, to provide information that directly identifies donors of financial support, but such information may be voluntarily provided to a public agency by the 501(c) entity. If a financial donor is seeking a benefit, tax credit, incentive, or any other similar item from a public agency based upon a donation, confirmation of specific donations by an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, shall be considered personal information voluntarily provided to the public agency by the 501(c) entity;

(2) A disclosure of personal information among law enforcement agencies or public agency investigators pursuant to an active investigation;

(3) A disclosure of personal information voluntarily made as part of public comment, public testimony, pleading, or in a public meeting, or voluntarily provided to a public agency, for the purpose of public outreach, marketing, or education to show appreciation for or in partnership with an entity or the representatives of an entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended, provided that no public agency shall disclose information that directly identifies an individual as a donor of financial support to a 501(c) entity without the express, written permission of the individual to which the personal information relates;

(4) A disclosure of personal information to a labor union or employee association regarding employees in a bargaining unit represented by the union or association; or

(5) The collection or publishing of information contained in a financial interest statement, as provided by law.

193.265. FEES FOR CERTIFICATION AND OTHER SERVICES — DISTRIBUTION — SERVICES

FREE, WHEN. — 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031. All fees collected under this subsection shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, one dollar for each certification or copy of death records to the Missouri state coroners' training fund established in section 58.208, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public health services fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For each fee collected under this subsection, one dollar shall be deposited to the state department of revenue and the remainder shall be deposited to the official city or county health

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agency. The director of revenue shall credit all fees deposited to the state department of revenue under this subsection to the Missouri state coroners' training fund established in section 58.208.

3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees collected under this subsection, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency.

4. A certified copy of a death record by the local registrar can only be issued within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.

5. No fee under this section shall be required or collected from a parent or guardian of a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a certification, or copy of such certification, of birth of such child or youth. An unaccompanied youth shall be eligible to receive a certification or copy of his or her own birth record without the consent or signature of his or her parent or guardian; provided, that only one certificate under this provision shall be provided without cost to the unaccompanied or homeless youth. For the issuance of any additional certificates, the statutory fee shall be paid.

6. (1) Notwithstanding any provision of law to the contrary, no fee shall be required or collected for a certification of birth if the request is made by a victim of domestic violence or abuse, as those terms are defined in section 455.010, and the victim provides documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a health care or mental health professional, from whom the victim has sought assistance relating to the domestic violence or abuse. Such documentation shall state that, under penalty of perjury, the employee, agent, or volunteer of a victim service provider, the attorney, or the health care or mental health professional believes the victim has been involved in an incident of domestic violence or abuse.

(2) A victim may be eligible only one time for a fee waiver under this subsection.

195.817. FINGERPRINTING REQUIREMENTS, MARIJUANA FACILITIES — DEFINITIONS. —

1. The department of health and senior services shall require all employees, contractors, owners, and volunteers of marijuana facilities to submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check.

2. The department may require that such fingerprint submissions be made as part of a marijuana facility application, a marijuana facility renewal application, and an individual's application for a license or permit authorizing that individual to be an employee, contractor, owner, or volunteer of a marijuana facility.

3. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history

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record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records related to any criminal history information discovered shall be accessible and available to the department.

4. As used in this section, the following terms shall mean:

(1) "Contractor", a person performing work or service of any kind for a marijuana facility for more than fourteen days in a calendar year in accordance with a contract with that facility;

(2) "Marijuana facility", an entity licensed or certified by the department of health and senior services to cultivate, manufacture, test, transport, dispense, or conduct research on marijuana or marijuana products;

(3) "Owner", an individual who has a financial interest or voting interest in ten percent or greater of a marijuana facility.

210.1360. MINORS RECEIVING CHILD CARE, CONFIDENTIALITY OF CERTAIN INFORMATION, EXCEPTIONS. — 1. Any personally identifiable information regarding any child under eighteen years of age receiving child care from any provider or applying for or receiving any services through a state program shall not be subject to disclosure except as otherwise provided by law.

2. This section shall not prohibit any state agency from disclosing personally identifiable information to governmental entities or its agents, vendors, grantees, and contractors in connection to matters relating to its official duties. The provisions of this section shall not apply to any state, county, or municipal law enforcement agency acting in its official capacity.

3. This section shall not prevent a parent or legal guardian from accessing the parent's or legal guardian's child's records.

610.021. CLOSED MEETINGS AND CLOSED RECORDS AUTHORIZED WHEN, EXCEPTIONS. — Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the

seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

- (4) The state militia or national guard or any part thereof;
- (5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;
- (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;
- (7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;
- (8) Welfare cases of identifiable individuals;
- (9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;
- (10) Software codes for electronic data processing and documentation thereof;
- (11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;
- (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;
- (13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;
- (14) Records which are protected from disclosure by law;
- (15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;
- (16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;
- (17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;
- (18) (a) Security measures, global positioning system (GPS) data, investigative information, or investigative or surveillance techniques of any public agency responsible for law enforcement or public safety that, if disclosed, has the potential to endanger the health or safety of an individual or the public.
(b) Any information or data provided to a tip line for the purpose of safety or security at an educational institution that, if disclosed, has the potential to endanger the health or safety of an individual or the public.
(c) Any information contained in any suspicious activity report provided to law enforcement that, if disclosed, has the potential to endanger the health or safety of an individual or the public.
(d) Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident [which is or appears to be terrorist in nature and] which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public

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governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body;

(23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business;

(24) Records relating to foster home or kinship placements of children in foster care under section 210.498; and

(25) Individually identifiable customer usage and billing records for customers of a municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, except that a municipally owned utility shall make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account.

SECTION B. EMERGENCY CLAUSE FOR A CERTAIN SECTION. — Because immediate action is necessary to protect the ability of nonprofit entities to interact with public agencies and restore

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transparency to governmental contracts, grant programs, and other similar items, the repeal and reenactment of section 105.1500 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 105.1500 of section A of this act shall be in full force and effect upon its passage and approval.

Approved July 6, 2023

SB 34

Enacts provisions relating to elective social studies courses on the Bible.

AN ACT to amend chapter 170, RSMo, by adding thereto one new section relating to elective social studies courses on the Bible.

SECTION

A Enacting clause.

170.341 Hebrew Scriptures and the Bible, offering of elective social studies courses related to — purpose — requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 170, RSMo, is amended by adding thereto one new section, to be known as section 170.341, to read as follows:

170.341. HEBREW SCRIPTURES AND THE BIBLE, OFFERING OF ELECTIVE SOCIAL STUDIES COURSES RELATED TO — PURPOSE — REQUIREMENTS. — 1. Any school district or public charter school may offer students elective social studies courses relating, but not limited to, the following:

(1) The Hebrew Scriptures, the Old Testament of the Bible;

(2) The New Testament of the Bible; or

(3) The Hebrew Scriptures and the New Testament of the Bible.

2. The purpose of a course under this section is to:

(1) Teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy; and

(2) Familiarize students with, as applicable:

(a) The contents of the Hebrew Scriptures or New Testament;

(b) The history of the Hebrew Scriptures or New Testament;

(c) The literary style and structure of the Hebrew Scriptures or New Testament; and

(d) The influence of the Hebrew Scriptures or New Testament on law, history, government, literature, art, music, customs, morals, values, and culture.

3. A student shall not be required to use a specific translation as the sole text of the Hebrew Scriptures or New Testament and may use as the basic textbook a different translation of the Hebrew Scriptures or New Testament from that chosen by the school district or public charter school.

4. A course offered under this section shall follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of students in the school. A course offered under this section shall not endorse, favor, or

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promote, or disfavor or show hostility toward, any particular religion or nonreligious faith or religious perspective.

5. School districts and public charter schools, in complying with this section, shall not violate any provision of the Constitution of the United States or federal law, the Constitution of Missouri or any state law, or any administrative regulations of the department of elementary and secondary education or the United States Department of Education.

Approved July 6, 2023

SS SB 35

Enacts provisions relating to judicial proceedings involving the parent-child relationship.

AN ACT to repeal sections 452.375 and 454.1005, RSMo, and to enact in lieu thereof two new sections relating to judicial proceedings involving the parent-child relationship.

SECTION

A Enacting clause.

452.375 Custody — definitions — factors determining custody — prohibited, when — public policy of state — custody options — findings required, when — parent plan required — access to records — joint custody not to preclude child support — support, how determined — domestic violence or abuse, specific findings.

454.1005 Hearing to show cause for suspension of a license, procedure.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 452.375 and 454.1005, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 452.375 and 454.1005, to read as follows:

452.375. CUSTODY — DEFINITIONS — FACTORS DETERMINING CUSTODY — PROHIBITED, WHEN — PUBLIC POLICY OF STATE — CUSTODY OPTIONS — FINDINGS REQUIRED, WHEN — PARENT PLAN REQUIRED — ACCESS TO RECORDS — JOINT CUSTODY NOT TO PRECLUDE CHILD SUPPORT — SUPPORT, HOW DETERMINED — DOMESTIC VIOLENCE OR ABUSE, SPECIFIC FINDINGS. — 1. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Custody" means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

(2) "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

(3) "Joint physical custody" means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

(4) "Third-party custody" means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

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Matter underscored is proposed language.

2. The court shall determine custody in accordance with the best interests of the child. There shall be a rebuttable presumption that an award of equal or approximately equal parenting time to each parent is in the best interests of the child. Such presumption is rebuttable only by a preponderance of the evidence in accordance with all relevant factors, including, but not limited to, the factors contained in subdivisions (1) to (8) of this subsection. The presumption may be rebutted if the court finds that the parents have reached an agreement on all issues related to custody, or if the court finds that a pattern of domestic violence has occurred as set out in subdivision (6) of this subsection. When the parties have not reached an agreement on all issues related to custody, the court shall consider all relevant factors and enter written findings of fact and conclusions of law, including, but not limited to, the following:

(1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

(5) The child's adjustment to the child's home, school, and community. The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children;

(6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;

(7) The intention of either parent to relocate the principal residence of the child; and

(8) The [wishes] unobstructed input of a child, free of coercion and manipulation, as to the child's [custodian] custodial arrangement. [The fact that a parent sends his or her child or children to a home school, as defined in section 167.031, shall not be the sole factor that a court considers in determining custody of such child or children.]

3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(a) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, 566.211, or 566.215;

(b) A violation of section 568.020;

(c) A violation of subdivision (2) of subsection 1 of section 568.060;

(d) A violation of section 568.065;

(e) A violation of section 573.200;

(f) A violation of section 573.205; or

(g) A violation of section 568.175.

(2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise

its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the general assembly encourages the court to enter a temporary parenting plan as early as practicable in a proceeding under this chapter, consistent with the provisions of subsection 2 of this section, and, in so doing, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to a person related by consanguinity or affinity to the child. If no person related to the child by consanguinity or affinity is willing to accept custody, then the court may award custody to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child. The court shall not presume that a parent, solely because of his or her sex, is more qualified than the other parent to act as a joint or sole legal or physical custodian for the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in subsection 8 of section 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. After August 28, 2016, every court order establishing or modifying custody or visitation shall include the following language: "In the event of noncompliance with this order, the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts that constitute a violation of the custody provisions of the judgment of dissolution, legal separation, or judgment of paternity. The circuit clerk will provide the aggrieved party with an explanation of the procedures for filing a family access motion and a simple form for use in filing the family access motion. A family access motion does not require the assistance of legal counsel to prepare and file."

11. No court shall adopt any local rule, form, or practice requiring a standardized or default parenting plan for interim, temporary, or permanent orders or judgments. Notwithstanding any other provision of law to the contrary, a court may enter an interim order in a proceeding under this chapter, provided that the interim order shall not contain any provisions about child custody or a parenting schedule or plan without first providing the parties with notice and a hearing, unless the parties otherwise agree.

12. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, both parents shall have access to records and information pertaining to a minor child including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in section 455.010, by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. A court shall order that the reports and records made available under this subsection not include the address of the parent with custody if the parent with custody is a participant in the address confidentiality program under section 589.663. Unless a parent has been denied custody rights pursuant to this section or visitation rights under section 452.400, any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

13. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

14. An award of joint custody does not preclude an award of child support pursuant to section 452.340 and applicable supreme court rules. The court shall consider the factors contained in section 452.340 and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

15. If the court finds that domestic violence or abuse as defined in section 455.010 has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in section 455.010, and any other children for whom such parent has custodial or visitation rights from any further harm.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

454.1005. HEARING TO SHOW CAUSE FOR SUSPENSION OF A LICENSE, PROCEDURE. — 1.

To show cause why suspension of a license may not be appropriate, the obligor shall request a hearing from the court or division that issued the notice of intent to suspend the license. The request shall be made within sixty days of the date of service of notice.

2. If an obligor fails to respond, without good cause, to a notice of intent to suspend a license~~[,] or to timely request a hearing or comply with a payment plan, [the obligor's defenses and objections shall be considered to be without merit and]~~ the court or director may enter an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

3. Upon timely receipt of a request for hearing from an obligor, the court or director shall schedule a hearing that complies with due process to determine if suspension of the obligor's license is appropriate considering all relevant factors, including those factors listed in subsection 4 of this section. The court or director shall stay suspension of the license pending the outcome of the hearing.

4. ~~[If the action involves an arrearage, the only issues that may be determined in a hearing pursuant to this section are] In determining whether the license suspension is appropriate under the circumstances, the court or director shall consider and issue written findings of fact and conclusions of law within thirty days following the hearing regarding the following:~~

- (1) The identity of the obligor;
- (2) Whether the arrearage is in an amount greater than or equal to three months of support payments or two thousand five hundred dollars, whichever is less, by the date of service of a notice of intent to suspend; ~~[and]~~
- (3) Whether the obligor has entered a payment plan. If the action involves a failure to comply with a subpoena or order, the only issues that may be determined are the identity of the obligor and whether the obligor has complied with the subpoena or order;
- (4) Whether the obligor had the ability to make the payments that are in arrearage;
- (5) Whether the obligor has the current ability to make the payments;
- (6) The reasons the obligor needs the license, including, but not limited to:
 - (a) Transportation of family members to and from work, school, or medical treatment;
 - (b) Transportation of the obligor or family members to extra curricular activities; or
 - (c) A requirement for employment;
- (7) Whether the obligor is unemployed or underemployed;
- (8) Whether the obligor is actively seeking employment;
- (9) Whether the obligor has engaged in job search and job readiness assistance, including utilization of the state employment database website;
- (10) Whether the obligor has a physical or mental impairment affecting his or her capacity to work;
- ~~and~~
- (11) Any other relevant factors that affect the obligor's ability to make the child support payments.

5. If the court or director, after the hearing, determines that the obligor has failed to comply with the child support payment obligation and an arrearage exists in excess of two thousand five hundred dollars for good cause, then the court or director shall not issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity or, if an order is in place, shall stay such order. Good cause may include loss of employment, excluding voluntarily quitting or a dismissal due to poor job performance or failure to meet a condition of employment; catastrophic illness or accident of the obligor or a family member; severe inclement weather, including a natural disaster; or the obligor experiences a family emergency or other life-changing event, including divorce or domestic violence. A decision by the court or director under this section not to issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity shall not prevent a court or the director from issuing a new order suspending the license of the same obligor in the event of another arrearage if the obligor fails, without good cause, to comply with the support order or payment plan.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

6. If the court or director, after hearing, determines that the obligor has failed, without good cause, to comply with any of the requirements in subsection 4 of this section, the court or director shall issue an order suspending the obligor's license and ordering the obligor to refrain from engaging in the licensed activity.

[6.] 7. The court or division shall send a copy of the order suspending a license to the licensing authority and the obligor by certified mail.

[7.] 8. The determination of the director, after a hearing pursuant to this section, shall be a final agency decision and shall be subject to judicial review pursuant to chapter 536. Administrative hearings held pursuant to this section shall be conducted by hearing officers appointed by the director of the department pursuant to subsection 1 of section 454.475.

[8.] 9. A determination made by the court or division pursuant to this section is independent of any proceeding of the licensing authority to suspend, revoke, deny, terminate or renew a license.

Approved July 6, 2023

SS#2 SB 39

Enacts provisions relating to participation in athletic competition, with a severability clause.

AN ACT to amend chapter 163, RSMo, by adding thereto one new section relating to participation in athletic competition, with a severability clause.

SECTION

- A Enacting clause.
- 163.048 Athletics, participation in competition designated for biological sex opposite prohibited — definitions — findings — requirements — rulemaking — expiration — severability clause.
- B Severability clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 163, RSMo, is amended by adding thereto one new section, to be known as section 163.048, to read as follows:

163.048. ATHLETICS, PARTICIPATION IN COMPETITION DESIGNATED FOR BIOLOGICAL SEX OPPOSITE PROHIBITED — DEFINITIONS — FINDINGS — REQUIREMENTS — RULEMAKING — EXPIRATION — SEVERABILITY CLAUSE. — 1. As used in this section, the following terms mean:

(1) "Athletics", any interscholastic athletic games, contests, programs, activities, exhibitions, or other similar competitions organized and provided for students;

(2) "Sex", the two main categories of male and female into which individuals are divided based on an individual's reproductive biology at birth and the individual's genome.

2. (1) The general assembly hereby finds the following:

(a) A noticeable disparity continues between the athletics participation rates of students who are male and students who are female; and

(b) Courts have recognized that classification by sex is the only feasible classification to promote the governmental interest of providing opportunities for athletics for females.

(2) The general assembly hereby declares that it is the public policy of this state to further the governmental interest of ensuring that sufficient opportunities for athletics remain available for females to remedy past discrimination on the basis of sex.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

3. (1) Except as provided under subdivision (2) of this subsection, no private school, public school district, public charter school, or public or private institution of postsecondary education shall allow any student to compete in an athletics competition that is designated for the biological sex opposite to the student's biological sex as correctly stated on the student's official birth certificate as described in subsection 4 of this section or, if the student's official birth certificate is unobtainable, another government record.

(2) A private school, public school, public charter school, or public or private institution of postsecondary education may allow a female student to compete in an athletics competition that is designated for male students if no corresponding athletics competition designated for female students is offered or available.

4. For purposes of this section, a statement of a student's biological sex on the student's official birth certificate or another government record shall be deemed to have correctly stated the student's biological sex only if the statement was:

(1) Entered at or near the time of the student's birth; or

(2) Modified to correct any scrivener's error in the student's biological sex.

5. A private school, public school district, public charter school, or public or private institution of postsecondary education that violates subdivision (1) of subsection 3 of this section shall not receive any state aid under this chapter or chapter 173 or any other revenues from the state.

6. The parent or guardian of any student, or any student who is over eighteen years of age, who is deprived of an athletic opportunity as a result of a violation of this section shall have a cause of action for injunctive or other equitable relief, as well as payment of reasonable attorney's fees, costs, and expenses of the parent, guardian, or student. The relief and remedies set forth shall not be deemed exclusive and shall be in addition to any other relief or remedies permitted by law.

7. The department of elementary and secondary education and the department of higher education and workforce development shall each promulgate all necessary rules and regulations for the implementation and administration of this section. Such rules and regulations shall ensure compliance with state and federal law regarding the confidentiality of student medical information. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

8. The provisions of this section shall expire on August 28, 2027.

SECTION B. SEVERABILITY CLAUSE. — If any provision of section A of this act or the application thereof to anyone or to any circumstance is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby.

Approved June 7, 2023

HCS SS SCS SB 40

Enacts provisions relating to background checks.

AN ACT to repeal sections 43.539, 43.540, and 210.493, RSMo, and to enact in lieu thereof five new sections relating to background checks.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

SECTION

- A Enacting clause.
- 43.539 Criminal record review, youth agencies and care of children, elderly, or disabled persons — definitions — Rap Back program, requirements, fingerprints — information to be provided by applicant — confidentiality — notification and forms provided by patrol.
- 43.540 Criminal record review, certain applicants and qualified entities — definitions — Rap Back program, requirements, fingerprints — information to be provided by applicant — confidentiality — notifications and forms provided by patrol.
- 171.097 Background checks for certain adult students — prohibited from enrolling, when.
- 195.817 Fingerprinting requirements, marijuana facilities — definitions.
- 210.493 Background checks required, when — definitions — content — procedure — ineligibility of applicant, when — administrative review — rulemaking authority.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 43.539, 43.540, and 210.493, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 43.539, 43.540, 171.097, 195.817, and 210.493, to read as follows:

43.539. CRIMINAL RECORD REVIEW, YOUTH AGENCIES AND CARE OF CHILDREN, ELDERLY, OR DISABLED PERSONS — DEFINITIONS — RAP BACK PROGRAM, REQUIREMENTS, FINGERPRINTS — INFORMATION TO BE PROVIDED BY APPLICANT — CONFIDENTIALITY — NOTIFICATION AND FORMS PROVIDED BY PATROL. — 1. As used in this section, the following terms mean:

- (1) "Applicant", a person who:
 - (a) Is actively employed by or seeks employment with a qualified entity;
 - (b) Is actively licensed or seeks licensure with a qualified entity;
 - (c) Actively volunteers or seeks to volunteer with a qualified entity;
 - (d) Is actively contracted with or seeks to contract with a qualified entity; or
 - (e) Owns or operates a qualified entity;
- (2) "Care", the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or disabled persons;
- (3) "Missouri criminal record review", a review of criminal history records and sex offender registration records under sections 589.400 to 589.425 maintained by the Missouri state highway patrol in the Missouri criminal records repository;
- (4) "Missouri Rap Back program", any type of automatic notification made by the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense in Missouri as required under section 43.506;
- (5) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;
- (6) "National Rap Back program", any type of automatic notification made by the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(7) "Patient or resident", a person who by reason of age, illness, disease, or physical or mental infirmity receives or requires care or services furnished by an applicant, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated, or accommodated in a facility as defined in section 198.006, for a period exceeding twenty-four consecutive hours;

(8) "Qualified entity", a person, business, or organization that provides care, care placement, or educational services for children, the elderly, or persons with disabilities as patients or residents, including a business or organization that licenses or certifies others to provide care or care placement services;

(9) "Youth services agency", any agency, school, or association that provides programs, care, or treatment for or exercises supervision over minors.

2. The central repository shall have the authority to submit applicant fingerprints to the National Rap Back program to be retained for the purpose of being searched against future submissions to the National Rap Back program, including latent fingerprint searches. Qualified entities may conduct Missouri and national criminal record reviews on applicants and participate in Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a permit, license, or employment, and shall abide by the following requirements:

(1) The qualified entity shall register with the Missouri state highway patrol prior to submitting a request for screening under this section. As part of the registration, the qualified entity shall indicate if it chooses to enroll applicants in the Missouri and National Rap Back programs;

(2) Qualified entities shall notify applicants subject to a criminal record review under this section that the applicant's fingerprints shall be retained by the state central repository and the Federal Bureau of Investigation and shall be searched against other fingerprints on file, including latent fingerprints;

(3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back program that the applicant's fingerprints, while retained, may continue to be compared against other fingerprints submitted or retained by the Federal Bureau of Investigation, including latent fingerprints;

(4) The criminal record review and Rap Back process described in this section shall be voluntary and conform to the requirements established in the National Child Protection Act of 1993, as amended, and other applicable state or federal law. As a part of the registration, the qualified entity shall agree to comply with state and federal law and shall indicate so by signing an agreement approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure compliance with federal law and this section;

(5) A qualified entity shall submit to the Missouri state highway patrol a request for screening on applicants covered under this section using a completed fingerprint card;

(6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with the National Child Protection Act of 1993, as amended, and other applicable state or federal laws;

(7) The Missouri state highway patrol shall provide, directly to the qualified entity, the applicant's state criminal history records that are not exempt from disclosure under chapter 610 or otherwise confidential under law;

(8) The national criminal history data shall be available to qualified entities to use only for the purpose of screening applicants as described under this section. The Missouri state highway patrol shall provide the applicant's national criminal history record information directly to the qualified entity;

(9) The determination whether the criminal history record shows that the applicant has been convicted of or has a pending charge for any crime that bears upon the fitness of the applicant to have responsibility for the safety and well-being of children, the elderly, or disabled persons shall be made solely by the qualified entity. This section shall not require the Missouri state highway patrol to make such a determination on behalf of any qualified entity;

(10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a copy of any criminal record review, including the criminal history records, if any, contained in the report and of the applicant's right to challenge the accuracy and completeness of any information contained in any such report and obtain a determination as to the validity of such challenge before a final determination regarding the applicant is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the Missouri state highway patrol for those applicants subject to the required screening; and

(11) Failure to obtain the information authorized under this section, with respect to an applicant, shall not be used as evidence in any negligence action against a qualified entity. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this section.

3. The criminal record review shall include the submission of fingerprints to the Missouri state highway patrol, who shall conduct a Missouri criminal record review, including closed record information under section 610.120. The Missouri state highway patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record review.

4. The applicant subject to a criminal record review shall provide the following information to the qualified entity:

(1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and participate in the Missouri and National Rap Back programs;

(2) Consent to obtain the identifying information required to conduct the criminal record review, which may include, but not be limited to:

- (a) Name;
- (b) Date of birth;
- (c) Height;
- (d) Weight;
- (e) Eye color;
- (f) Hair color;
- (g) Gender;
- (h) Race;
- (i) Place of birth;
- (j) Social Security number; and
- (k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity under the provisions of this section shall be used solely for internal purposes in determining the suitability of an applicant. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential, and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. A qualified entity enrolled in either the Missouri or National Rap Back program shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:

(1) The entity has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;

(2) The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section [within the previous six years]; and

(3) The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.

7. The Missouri state highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

43.540. CRIMINAL RECORD REVIEW, CERTAIN APPLICANTS AND QUALIFIED ENTITIES — DEFINITIONS — RAP BACK PROGRAM, REQUIREMENTS, FINGERPRINTS — INFORMATION TO BE PROVIDED BY APPLICANT — CONFIDENTIALITY — NOTIFICATIONS AND FORMS PROVIDED BY PATROL. — 1. As used in this section, the following terms mean:

(1) "Applicant", a person who:

- (a) Is actively employed by or seeks employment with a qualified entity;
- (b) Is actively licensed or seeks licensure with a qualified entity;
- (c) Actively volunteers or seeks to volunteer with a qualified entity; or
- (d) Is actively contracted with or seeks to contract with a qualified entity;

(2) "Missouri criminal record review", a review of criminal history records and sex offender registration records pursuant to sections 589.400 to 589.425 maintained by the Missouri state highway patrol in the Missouri criminal records repository;

(3) "Missouri Rap Back program", shall include any type of automatic notification made by the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense in Missouri as required under section 43.506;

(4) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;

(5) "National Rap Back program", shall include any type of automatic notification made by the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;

(6) "Qualified entity", an entity that is:

(a) An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to issue or renew a license, permit, certification, or registration of authority;

(b) An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to make fitness determinations on applications for state, county, or municipal government employment; or

(c) Any entity that is authorized to obtain criminal history record information under 28 CFR 20.33.

2. The central repository shall have the authority to submit applicant fingerprints to the National Rap Back program to be retained for the purpose of being searched against future submissions to the National Rap Back program, including latent fingerprint searches. Qualified entities may conduct Missouri and national criminal record reviews on applicants and participate in Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a permit, license, or employment, and shall abide by the following requirements:

(1) The qualified entity shall register with the Missouri state highway patrol prior to submitting a request for screening under this section. As part of such registration, the qualified entity shall indicate if it chooses to enroll their applicants in the Missouri and National Rap Back programs;

(2) Qualified entities shall notify applicants subject to a criminal record review under this section that the applicant's fingerprints shall be retained by the state central repository and the Federal Bureau of Investigation and shall be searched against other fingerprints on file, including latent fingerprints;

(3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back program that the applicant's fingerprints, while retained, may continue to be compared against other fingerprints submitted or retained by the Federal Bureau of Investigation, including latent fingerprints;

(4) The criminal record review and Rap Back process described in this section shall be voluntary and conform to the requirements established in Pub. L. 92-544 and other applicable state or federal law. As a part of the registration, the qualified entity shall agree to comply with state and federal law and shall indicate so by signing an agreement approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure compliance with federal law and this section;

(5) A qualified entity shall submit to the Missouri state highway patrol a request for screening on applicants covered under this section using a completed fingerprint card;

(6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with applicable state or federal laws;

(7) The Missouri state highway patrol shall provide, directly to the qualified entity, the applicant's state criminal history records that are not exempt from disclosure under chapter 610 or are otherwise confidential under law;

(8) The national criminal history data shall be available to qualified entities to use only for the purpose of screening applicants as described under this section. The Missouri state highway patrol shall provide the applicant's national criminal history record information directly to the qualified entity;

(9) This section shall not require the Missouri state highway patrol to make an eligibility determination on behalf of any qualified entity;

(10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a copy of any criminal record review, including the criminal history records, if any, contained in the report, and of the applicant's right to challenge the accuracy and completeness of any information contained in any such report and to obtain a determination as to the validity of such challenge before a final determination regarding the applicant is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the Missouri state highway patrol for those applicants subject to the required screening; and

(11) Failure to obtain the information authorized under this section with respect to an applicant shall not be used as evidence in any negligence action against a qualified entity. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this section.

3. The criminal record review shall include the submission of fingerprints to the Missouri state highway patrol, who shall conduct a Missouri criminal record review, including closed record information under section 610.120. The Missouri state highway patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record review.

4. The applicant subject to a criminal record review shall provide the following information to the qualified entity:

(1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and participate in the Missouri and National Rap Back programs;

(2) Consent to obtain the identifying information required to conduct the criminal record review, which may include, but not be limited to:

(a) Name;

- (b) Date of birth;
- (c) Height;
- (d) Weight;
- (e) Eye color;
- (f) Hair color;
- (g) Gender;
- (h) Race;
- (i) Place of birth;
- (j) Social Security number; and
- (k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity pursuant to the provisions of this section shall be used solely for internal purposes in determining the suitability of an applicant. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. A qualified entity enrolled in either the Missouri or National Rap Back programs shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:

- (1) The agency has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;
- (2) The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section [within the previous six years]; and
- (3) The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.

7. The highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

171.097. BACKGROUND CHECKS FOR CERTAIN ADULT STUDENTS — PROHIBITED FROM ENROLLING, WHEN. — 1. School districts shall ensure that a state criminal history background check consisting of open records is conducted on any person who is eighteen years of age or older, who is not counted by the district for purposes of average daily attendance under section 163.011, and who requests enrollment in a course that takes place on school district property during regular school hours and includes students counted by the district for purposes of average daily attendance under section 163.011.

2. The state criminal history background check required under this section shall be processed through the Missouri state highway patrol prior to enrollment. The person requesting enrollment in a course as described in this section shall pay the fee for the state criminal history background check pursuant to section 43.530.

3. If, as a result of the criminal history background check required under this section, it is determined that a person who requested enrollment has been convicted of a crime or offense listed in subsection 6 of section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, the school district shall prohibit such person from enrolling in any course for which a state criminal history background check is required under this section.

195.817. FINGERPRINTING REQUIREMENTS, MARIJUANA FACILITIES — DEFINITIONS. —

1. The department of health and senior services shall require all employees, contractors, owners, and volunteers of marijuana facilities to submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check.

2. The department may require that such fingerprint submissions be made as part of a marijuana facility application, a marijuana facility renewal application, and an individual's application for a license or permit authorizing that individual to be an employee, contractor, owner, or volunteer of a marijuana facility.

3. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records related to any criminal history information discovered shall be accessible and available to the department.

4. As used in this section, the following terms shall mean:

(1) "Contractor", a person performing work or service of any kind for a marijuana facility for more than fourteen days in a calendar year in accordance with a contract with that facility;

(2) "Marijuana facility", an entity licensed or certified by the department of health and senior services to cultivate, manufacture, test, transport, dispense, or conduct research on marijuana or marijuana products;

(3) "Owner", an individual who has a financial interest or voting interest in ten percent or greater of a marijuana facility.

210.493. BACKGROUND CHECKS REQUIRED, WHEN — DEFINITIONS — CONTENT — PROCEDURE — INELIGIBILITY OF APPLICANT, WHEN — ADMINISTRATIVE REVIEW — RULEMAKING AUTHORITY. — 1. [Officers, managers,] As used in this section, the following terms mean:

(1) "Applicant", any individual who applies or is required to successfully complete the background check requirements for employment or presence at a licensed residential care facility, license-exempt residential care facility, or child placing agency. For the purposes of background checks conducted by the Missouri state highway patrol, the term "applicant" is further defined in section 43.540;

(2) "Contractor", a person who contracts to do work for or supply goods to a licensed residential care facility, license-exempt residential care facility, or child placing agency;

(3) "Employee", an individual who works in the service of a licensed residential care facility, license-exempt residential care facility, or child placing agency under an express or implied contract for hire, whether written or unwritten or full time or part time, under which the licensed residential care facility, license-exempt residential care facility, or child placing agency has the right to control, in whole or in part, the details of the individual's work performance;

(4) "Owner", an individual who holds an equity interest in a licensed residential care facility, license-exempt residential care facility, or child placing agency;

(5) "Volunteer", an individual who performs a service for or on behalf of a licensed residential care facility, license-exempt residential care facility, or child placing agency of the individual's own free will without obligation or without any expectation of a reward or compensation.

2. Contractors, volunteers with access to children, and employees[, and other support staff] of licensed residential care facilities and licensed child placing agencies in accordance with sections 210.481 to 210.536; owners of such residential care facilities who will have access to the facilities; and owners of such child placing agencies who will have access to children shall submit fingerprints and any information that the department requires to complete the background checks, as specified in

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Matter underscored is proposed language.

regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

[2.] Officers, managers,

3. Contractors, volunteers with access to children, and employees, and other support staff of residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at or on the property of such residential care facility; any person who has unsupervised contact with a resident of the residential care facility; and owners of such residential care facilities who will have access to the facilities shall submit fingerprints and any information that the department requires to complete the background checks, as specified in regulations established by the department, to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks.

[3.] 4. A background check shall include:

(1) A state and Federal Bureau of Investigation fingerprint check; and

(2) A search of the [National Crime Information Center's] National Sex Offender Registry; and

(3) A search of the following registries, repositories, or databases in Missouri, the state where the applicant resides, and each state where such applicant resided during the preceding five years:

(a) The state criminal registry or repository, with the use of fingerprints being required in the state where the applicant resides and optional in other states;

(b) The state sex offender registry or repository;

(c) The state family care safety registry; and

(d) The state-based child abuse and neglect registry and database.

[4.] 5. For the purposes this section and notwithstanding any other provision of law, "department" means the department of social services.

[5.] 6. The department shall be responsible for background checks as part of a residential care facility or child placing agency application for licensure, renewal of licensure, or for license monitoring.

[6.] 7. The department shall be responsible for background checks for residential care facilities subject to the notification requirements of sections 210.1250 to 210.1286.

[7.] 8. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120, all records related to any criminal history information discovered shall be accessible and available to the department.

[8.] 9. Fingerprints submitted to the Missouri state highway patrol for the purpose of conducting state and federal fingerprint-based background checks under this section shall be valid for a period of five years.

[9.] 10. The department shall provide the results of the background check to the applicant in a statement that indicates whether the applicant is eligible or ineligible for employment or presence at the licensed residential care facility or licensed child placing agency. The department shall not reveal to the residential care facility or the child placing agency any disqualifying offense or other related information regarding the applicant. The applicant shall have the opportunity to appeal an ineligible finding.

[10.] 11. The department shall provide the results of the background check to the applicant in a statement that indicates whether the applicant is eligible or ineligible for employment or presence at the residential care facility subject to the notification requirements of sections 210.1250 to 210.1286. The department shall not reveal to the residential care facility any disqualifying offense or other related information regarding the applicant. The applicant shall have the opportunity to appeal an ineligible finding.

[11.] 12. An applicant shall be ineligible if the applicant:

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- (1) Refuses to consent to the background check as required by this section;
- (2) Knowingly makes a materially false statement in connection with the background check as required by this section;
- (3) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;
- (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 or any other finding of child abuse or neglect based on any other state's registry or database; or
- (5) Has pled guilty or nolo contendere to or been found guilty of:
 - (a) Any felony for an offense against the person as defined in chapter 565;
 - (b) Any other offense against the person involving the endangerment of a child as prescribed by law;
 - (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;
 - (d) Any misdemeanor or felony for an offense against the family as defined in chapter 568;
 - (e) Burglary in the first degree as defined in section 569.160;
 - (f) Any misdemeanor or felony for robbery as defined in chapter 570;
 - (g) Any misdemeanor or felony for pornography or related offense as defined in chapter 573;
 - (h) Any felony for arson as defined in chapter 569;
 - (i) Any felony for armed criminal action as defined in section 571.015, unlawful use of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in section 571.070, or the unlawful possession of an explosive as defined in section 571.072;
 - (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or 574.125;
 - (k) A felony drug-related offense committed during the preceding five years; or
 - (l) Any similar offense in any federal, state, or other court of similar jurisdiction of which the department has knowledge.

[12.] 13. Any person aggrieved by a decision of the department shall have the right to seek an administrative review. The review shall be filed with the department within fourteen days from the mailing of the notice of ineligibility. Any decision not timely appealed shall be final.

[13.] 14. Any required fees shall be paid by the individual applicant, facility, or agency.

[14.] 15. The department is authorized to promulgate rules, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 14, 2021, shall be invalid and void.

Approved July 6, 2023

CCS HCS SS SCS SB 45 & 90

Enacts provisions relating to health care, with an emergency clause for certain sections and penalty provisions.

AN ACT to repeal sections 37.725, 190.255, 190.600, 190.603, 190.606, 190.612, 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 195.206, 196.1050, 197.020, 208.053, 208.072, 208.146, 208.151,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

208.662, 334.104, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 338.010, and 376.1060, RSMo, and to enact in lieu thereof forty-two new sections relating to health care, with an emergency clause for certain sections and penalty provisions.

SECTION

- A Enacting clause.
- 9.371 Breast cancer awareness day designated for first Saturday of October.
- 9.381 Premenstrual Dysphoric Disorder (PMDD) awareness day designated for October 2.
- 9.388 Rare kidney disease awareness month designated for month of March.
- 37.725 Files may be disclosed at discretion of child advocate, exceptions — privileged information — penalty for disclosure of confidential material.
- 37.980 State employees with disabilities, annual report on participation in workforce, contents.
- 190.255 Opioid overdose drugs and devices, first responder may administer, when — definition.
- 190.600 Citation of act — definitions.
- 190.603 Outside the hospital do-not-resuscitate order may be executed, when — maintained in medical records — transfers with patient.
- 190.606 Immunity from liability, what persons and entities.
- 190.612 Emergency medical services personnel to comply with order, when — physician to transfer patient, when.
- 190.613 Out-of-state order, physician may execute order, when.
- 191.240 Patient examinations, limitation on performance of, when — notice — violation, sanction of license.
- 191.430 Program established, purpose — department duties.
- 191.435 Need for health care areas to be designated.
- 191.440 Contracts for forgivable loans, contents — practice sites, stipulation of.
- 191.445 Fund created, use of moneys.
- 191.450 Failure to maintain acceptable employment status, liable for loan amount — recovery amount.
- 191.592 Grant program established — definitions — purpose — fund created, use of moneys — priority of expenditures — criteria, requirements — report — rulemaking authority — expiration date.
- 191.600 Loan repayment program established — health professional student loan repayment program fund established — use.
- 191.828 Evaluations, effect of initiatives.
- 191.831 Health initiatives fund established, use — Alt-care pilot program, components — participation may be required.
- 195.206 Opioid antagonist or addiction mitigation medicine, sale and dispensing of by pharmacists, possession of — administration of, contacting emergency personnel — immunity from liability, when.
- 196.1050 Opioid addiction treatment, any opioid-related settlement moneys to be used for — fund established.
- 197.020 Definitions.
- 208.035 Transitional benefits program, TANF and SNAP — amount of benefits — rulemaking authority.
- 208.053 Transitional child care benefits program — amount — report — rulemaking.
- 208.066 SNAP and TANF, one-page application form — eligibility review form, how submitted — rulemaking authority.
- 208.072 Application for medical assistance, approval or denial, when — Medicaid payments to long-term care facilities, when.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 208.146 Ticket-to-work health assurance program — eligibility — report — expiration date.
- 208.151 Medical assistance, persons eligible — rulemaking authority — waivers — military members eligibility, temporary suspension, when.
- 208.186 Nonresidents, no payments, add-ons, or reimbursements to health care providers, when.
- 208.239 Eligibility redeterminations, renewals, and postenrollment verifications, resumed, when.
- 208.662 Program established as CHIPs program — eligibility — coverage — report, content — program not entitlement.
- 209.700 Citation of law — definitions — persons with disabilities, employment, duties of state agencies — rulemaking authority.
- 210.1360 Minors receiving child care, confidentiality of certain information, exceptions.
- 334.104 Collaborative practice arrangements, form, contents, delegation of authority — rules, approval, restrictions — disciplinary actions — notice of collaborative practice or physician assistant agreements to board, when — certain nurses may provide anesthesia services, when — contract limitations.
- 335.203 Nursing education incentive program established — grants authorized, eligibility — administration — rulemaking authority.
- 335.205 Licensure, surcharge, amount.
- 338.010 Practice of pharmacy — license required — auxiliary personnel — written protocol required, when — nonprescription drugs — rulemaking authority — therapeutic plan requirements — veterinarian defined — additional requirements — ShowMeVax system, notice — public health emergencies.
- 338.012 Medication therapy services, certain diseases, pharmacist may provide under statewide standing order — rulemaking authority.
- 376.1060 Health care services — definitions — limitations on third-party access, requirements — inapplicability, when.
- 579.088 Fentanyl, devices to detect the presence of permitted.
- 191.500 Definitions.
- 191.505 Department of health and senior services to administer — may make rules and regulations.
- 191.510 Contracts for loans to include terms.
- 191.515 Requirements for application.
- 191.520 Maximum amount of loans — source of funds.
- 191.525 Number of loans available — to whom — length of loans.
- 191.530 Interest on loans — repayment terms — temporary deferral.
- 191.535 Termination of course of study, effect.
- 191.540 Repayment schedules — breach of contract.
- 191.545 Recovery — actions for.
- 191.550 Approval of contracts.
- 335.212 Definitions.
- 335.215 Department of health and senior services to administer programs — advisory panel — members — rules, procedure.
- 335.218 Nurse loan repayment fund established — administration.
- 335.221 Education surcharge, amount, deposit in nursing student loan and nurse loan repayment fund.
- 335.224 Contracts for repayment of loans.
- 335.227 Eligibility for loan.
- 335.230 Financial assistance, amount.
- 335.233 Schedule for repayment of loan — interest, amount.
- 335.236 Repayment of loan — when.
- 335.239 Deferral of repayment of loans — when.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 335.242 Action to recover loans due.
- 335.245 Definitions.
- 335.248 Department of health and senior services to administer program — rules and regulations.
- 335.251 Loan repayment contract — qualified employment — recovery of amounts due.
- 335.254 Law not to require certain contracts.
- 335.257 Verification of qualified employment.
 - B Emergency clause for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 37.725, 190.255, 190.600, 190.603, 190.606, 190.612, 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 195.206, 196.1050, 197.020, 208.053, 208.072, 208.146, 208.151, 208.662, 334.104, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 338.010, and 376.1060, RSMo, are repealed and forty-two new sections enacted in lieu thereof, to be known as sections 9.371, 9.381, 9.388, 37.725, 37.980, 190.255, 190.600, 190.603, 190.606, 190.612, 190.613, 191.240, 191.430, 191.435, 191.440, 191.445, 191.450, 191.592, 191.600, 191.828, 191.831, 195.206, 196.1050, 197.020, 208.035, 208.053, 208.066, 208.072, 208.146, 208.151, 208.186, 208.239, 208.662, 209.700, 210.1360, 334.104, 335.203, 335.205, 338.010, 338.012, 376.1060, and 579.088, to read as follows:

9.371. BREAST CANCER AWARENESS DAY DESIGNATED FOR FIRST SATURDAY OF OCTOBER. — The first Saturday of October of each year is hereby designated as "Breast Cancer Awareness Day" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to raise awareness and celebrate survivors of breast cancer, the most commonly occurring cancer among women in the United States.

9.381. PREMENSTRUAL DYSPHORIC DISORDER (PMDD) AWARENESS DAY DESIGNATED FOR OCTOBER 2. — October second of each year is hereby designated as "Premenstrual Dysphoric Disorder (PMDD) Awareness Day" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to raise PMDD awareness.

9.388. RARE KIDNEY DISEASE AWARENESS MONTH DESIGNATED FOR MONTH OF MARCH. — The month of March of each year is hereby designated as "Rare Kidney Disease Awareness Month". The citizens of this state are encouraged to participate in appropriate awareness and educational activities for rare kidney disease, available screening and genetic testing options, and efforts to improve treatment for patients.

37.725. FILES MAY BE DISCLOSED AT DISCRETION OF CHILD ADVOCATE, EXCEPTIONS — PRIVILEGED INFORMATION — PENALTY FOR DISCLOSURE OF CONFIDENTIAL MATERIAL. — 1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:

- (1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; or
- (2) Such disclosure is required by court order; or
- (3) The child advocate determines that disclosure to law enforcement is necessary to ensure immediate child safety.

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Matter underscored is proposed language.

2. Any statement or communication made by the office relevant to a complaint received by, proceedings before, or activities of the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged and such person shall be immune from suit.

3. Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to receive it, the name of any witness examined or any information obtained or given during such examination is guilty of a class A misdemeanor. However, the office conducting or participating in any examination of a complaint shall disclose the final result of the examination with the consent of the recipient.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections 37.700 to 37.730, or where otherwise required by court order.

37.980. STATE EMPLOYEES WITH DISABILITIES, ANNUAL REPORT ON PARTICIPATION IN WORKFORCE, CONTENTS. — 1. The office of administration shall submit a report to the general assembly before December thirty-first of each year, beginning in 2023, describing the progress made by the state with respect to the directives issued as part of the "Missouri as a Model Employer" initiative described in executive order 19-16.

2. The report shall include, but not be limited to, the data described in the following subdivisions, which shall be collected through voluntary self-disclosure. To the extent possible, for each subdivision, the report shall include general data for all relevant employees, in addition to data comparing the employees of each agency within the state workforce:

(1) The baseline number of employees in the state workforce who disclosed disabilities when the initiative began;

(2) The number of employees in the state workforce who disclose disabilities at the time of the compiling of the annual report and statistics providing the size and the percentage of any increase or decrease in such numbers since the initiative began and since the compilation of any previous annual report;

(3) The baseline percentage of employees in the state workforce who disclosed disabilities when the initiative began;

(4) The percentage of employees in the state workforce who disclose disabilities at the time of the compiling of the annual report and statistics providing the size of any increase or decrease in such percentage since the initiative began and since the compilation of any previous annual report;

(5) A description and analysis of any disparity that may exist from the time the initiative began and the time of the compiling of the annual reports, and of any disparity that may exist from the time of the most recent previous annual report, if any, and the time of the current annual report, between the percentage of individuals in the state of working age who disclose disabilities and the percentage of individuals in the state workforce who disclose or have disabilities; and

(6) A description and analysis of any pay differential that may exist in the state workforce between individuals who disclose disabilities and individuals who do not disclose disabilities.

3. The report shall also include descriptions of specific efforts made by state agencies to recruit, hire, advance, and retain individuals with disabilities including, but not limited to, individuals with the most significant disabilities, as defined in 5 CSR 20-500.160. Such descriptions shall include, but not be limited to, best, promising, and emerging practices related to:

(1) Setting annual goals;

(2) Analyzing barriers to recruiting, hiring, advancing, and retaining individuals with disabilities;

(3) Establishing and maintaining contacts with entities and organizations that specialize in providing education, training, or assistance to individuals with disabilities in securing employment;

(4) Using internships, apprenticeships, and job shadowing;

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Matter underscored is proposed language.

(5) Using supported employment, individual placement with support services, customized employment, telework, mentoring and management training, stay-at-work and return-to-work programs, and exit interviews;

(6) Adopting, posting, and making available to all job applicants and employees reasonable accommodation procedures in written and accessible formats;

(7) Providing periodic disability awareness training to employees to build and sustain a culture of inclusion in the workplace, including rights to reasonable accommodation in the workplace;

(8) Providing periodic training to human resources and hiring managers in disability rights, hiring, and workplace policies designed to promote a diverse and inclusive workforce; and

(9) Making web-based hiring portals accessible to and usable by applicants with disabilities.

190.255. OPIOID OVERDOSE DRUGS AND DEVICES, FIRST RESPONDER MAY ADMINISTER, WHEN — DEFINITION. — 1. Any qualified first responder may obtain and administer naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to a person suffering from an apparent narcotic or opiate-related overdose in order to revive the person.

2. Any licensed drug distributor or pharmacy in Missouri may sell naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to qualified first responder agencies to allow the agency to stock naloxone or other such drugs or devices for the administration of such drug or device to persons suffering from an apparent narcotic or opiate overdose in order to revive the person.

3. For the purposes of this section, "qualified first responder" shall mean any [state and local law enforcement agency staff,] fire department personnel, fire district personnel, or licensed emergency medical technician who is acting under the directives and established protocols of a medical director of a local licensed ground ambulance service licensed under section 190.109, or any state or local law enforcement agency staff member, who comes in contact with a person suffering from an apparent narcotic or opiate-related overdose and who has received training in recognizing and responding to a narcotic or opiate overdose and the administration of naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to a person suffering from an apparent narcotic or opiate-related overdose. "Qualified first responder agencies" shall mean any state or local law enforcement agency, fire department, or ambulance service that provides documented training to its staff related to the administration of naloxone or other such drugs or devices in an apparent narcotic or opiate overdose situation.

4. A qualified first responder shall only administer naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration by such means as the qualified first responder has received training for the administration of naloxone or other such drugs or devices.

190.600. CITATION OF ACT — DEFINITIONS. — 1. Sections 190.600 to 190.621 shall be known and may be cited as the "Outside the Hospital Do-Not-Resuscitate Act".

2. As used in sections 190.600 to 190.621, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Attending physician":

(a) A physician licensed under chapter 334 selected by or assigned to a patient who has primary responsibility for treatment and care of the patient; or

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Matter underscored is proposed language.

(b) If more than one physician shares responsibility for the treatment and care of a patient, one such physician who has been designated the attending physician by the patient or the patient's representative shall serve as the attending physician;

(2) "Cardiopulmonary resuscitation" or "CPR", emergency medical treatment administered to a patient in the event of the patient's cardiac or respiratory arrest, and shall include cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, defibrillation, administration of cardiac resuscitation medications, and related procedures;

(3) "Department", the department of health and senior services;

(4) "Emergency medical services personnel", paid or volunteer firefighters, law enforcement officers, first responders, emergency medical technicians, or other emergency service personnel acting within the ordinary course and scope of their professions, but excluding physicians;

(5) "Health care facility", any institution, building, or agency or portion thereof, private or public, excluding federal facilities and hospitals, whether organized for profit or not, used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any person or persons. Health care facility includes but is not limited to ambulatory surgical facilities, health maintenance organizations, home health agencies, hospices, infirmaries, renal dialysis centers, long-term care facilities licensed under sections 198.003 to 198.186, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, and residential treatment facilities;

(6) "Hospital", a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more nonrelated individuals. Hospital does not include any long-term care facility licensed under sections 198.003 to 198.186;

(7) "Outside the hospital do-not-resuscitate identification" or "outside the hospital DNR identification", a standardized identification card, bracelet, or necklace of a single color, form, and design as described by rule of the department that signifies that the patient's attending physician has issued an outside the hospital do-not-resuscitate order for the patient and has documented the grounds for the order in the patient's medical file;

(8) "Outside the hospital do-not-resuscitate order" or "outside the hospital DNR order", a written physician's order signed by the patient and the attending physician, or the patient's representative and the attending physician, in a form promulgated by rule of the department which authorizes emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from the patient in the event of cardiac or respiratory arrest;

(9) "Outside the hospital do-not-resuscitate protocol" or "outside the hospital DNR protocol", a standardized method or procedure promulgated by rule of the department for the withholding or withdrawal of cardiopulmonary resuscitation by emergency medical services personnel from a patient in the event of cardiac or respiratory arrest;

(10) "Patient", a person eighteen years of age or older who is not incapacitated, as defined in section 475.010, and who is otherwise competent to give informed consent to an outside the hospital do-not-resuscitate order at the time such order is issued, and who, with his or her attending physician, has executed an outside the hospital do-not-resuscitate order under sections 190.600 to 190.621. A person who has a patient's representative shall also be a patient for the purposes of sections 190.600 to 190.621, if the person or the person's patient's representative has executed an outside the hospital do-not-resuscitate order under sections 190.600 to 190.621. A person under eighteen years of age shall also be a patient for purposes of sections 190.600 to 190.621 if the person has had a do-not-resuscitate order issued on his or her behalf under the provisions of section 191.250;

(11) "Patient's representative":

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(a) An attorney in fact designated in a durable power of attorney for health care for a patient determined to be incapacitated under sections 404.800 to 404.872; or

(b) A guardian or limited guardian appointed under chapter 475 to have responsibility for an incapacitated patient.

190.603. OUTSIDE THE HOSPITAL DO-NOT-RESUSCITATE ORDER MAY BE EXECUTED, WHEN — MAINTAINED IN MEDICAL RECORDS — TRANSFERS WITH PATIENT. — 1. A patient or patient's representative and the patient's attending physician may execute an outside the hospital do-not-resuscitate order. An outside the hospital do-not-resuscitate order shall not be effective unless it is executed by the patient or patient's representative and the patient's attending physician, and it is in the form promulgated by rule of the department.

2. A patient under eighteen years of age is not authorized to execute an outside the hospital do-not-resuscitate order for himself or herself but may have a do-not-resuscitate order issued on his or her behalf by one parent or legal guardian or by a juvenile or family court under the provisions of section 191.250. Such do-not-resuscitate order shall also function as an outside the hospital do-not-resuscitate order for the purposes of sections 190.600 to 190.621 unless such do-not-resuscitate order authorized under the provisions of section 191.250 states otherwise.

3. If an outside the hospital do-not-resuscitate order has been executed, it shall be maintained as the first page of a patient's medical record in a health care facility unless otherwise specified in the health care facility's policies and procedures.

[3.] 4. An outside the hospital do-not-resuscitate order shall be transferred with the patient when the patient is transferred from one health care facility to another health care facility. If the patient is transferred outside of a hospital, the outside the hospital DNR form shall be provided to any other facility, person, or agency responsible for the medical care of the patient or to the patient or patient's representative.

190.606. IMMUNITY FROM LIABILITY, WHAT PERSONS AND ENTITIES. — The following persons and entities shall not be subject to civil, criminal, or administrative liability and are not guilty of unprofessional conduct for the following acts or omissions that follow discovery of an outside the hospital do-not-resuscitate identification upon a patient or a do-not-resuscitate order functioning as an outside the hospital do-not-resuscitate order for a patient under eighteen years of age, or upon being presented with an outside the hospital do-not-resuscitate order [from Missouri, another state, the District of Columbia, or a territory of the United States]; provided that the acts or omissions are done in good faith and in accordance with the provisions of sections 190.600 to 190.621 and the provisions of an outside the hospital do-not-resuscitate order executed under sections 190.600 to 190.621:

(1) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that cause or participate in the withholding or withdrawal of cardiopulmonary resuscitation from such patient; and

(2) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that provide cardiopulmonary resuscitation to such patient under an oral or written request communicated to them by the patient or the patient's representative.

190.612. EMERGENCY MEDICAL SERVICES PERSONNEL TO COMPLY WITH ORDER, WHEN — PHYSICIAN TO TRANSFER PATIENT, WHEN. — 1. Emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order. However, emergency medical services personnel shall not comply with an outside the hospital do-not-resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient or patient's

representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated.

2. [Emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States if such order is on a standardized written form:

(1) Signed by the patient or the patient's representative and a physician who is licensed to practice in the other state, the District of Columbia, or the territory of the United States; and

(2) Such form has been previously reviewed and approved by the department of health and senior services to authorize emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from the patient in the event of a cardiac or respiratory arrest.

Emergency medical services personnel shall not comply with an outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States or the outside the hospital do-not-resuscitate protocol when the patient or patient's representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated.]

(1) Except as provided in subdivision (2) of this subsection, emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with a do-not-resuscitate order functioning as an outside the hospital do-not-resuscitate order for a patient under eighteen years of age if such do-not-resuscitate order has been authorized by one parent or legal guardian or by a juvenile or family court under the provisions of section 191.250.

(2) Emergency medical services personnel shall not comply with a do-not-resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient under eighteen years of age, either parent of such patient, the patient's legal guardian, or the juvenile or family court expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire for the patient to be resuscitated.

3. If a physician or a health care facility other than a hospital admits or receives a patient with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order, and the patient or patient's representative has not expressed or does not express to the physician or health care facility the desire to be resuscitated, and the physician or health care facility is unwilling or unable to comply with the outside the hospital do-not-resuscitate order, the physician or health care facility shall take all reasonable steps to transfer the patient to another physician or health care facility where the outside the hospital do-not-resuscitate order will be complied with.

190.613. OUT-OF-STATE ORDER, PHYSICIAN MAY EXECUTE ORDER, WHEN. — 1. A patient or patient's representative and the patient's attending physician may execute an outside the hospital do-not-resuscitate order through the presentation of a properly executed outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States, or a Transportable Physician Orders for Patient Preferences (TPOPP)/Physician Orders for Life-Sustaining Treatment (POLST) form containing a specific do-not-resuscitate section.

2. Any outside the hospital do-not-resuscitate form identified from another state, the District of Columbia, or a territory of the United States, or a TPOPP/POLST form, shall:

(1) Have been previously reviewed and approved by the department as in compliance with the provisions of sections 190.600 to 190.621;

(2) Not be accepted for a patient under eighteen years of age, except as allowed under section 191.250; and

(3) Not be effective during such time as the patient is pregnant as set forth in section 190.609.

A patient or patient's representative may express to emergency medical services personnel, at any time and by any means, the intent to revoke the outside the hospital do-not-resuscitate order.

3. The provisions of section 190.606 shall apply to the good faith acts or omissions of emergency medical services personnel under this section.

191.240. PATIENT EXAMINATIONS, LIMITATION ON PERFORMANCE OF, WHEN — NOTICE — VIOLATION, SANCTION OF LICENSE. — 1. For purposes of this section, the following terms mean:

(1) "Health care provider", the same meaning given to the term in section 191.900;

(2) "Patient examination", a prostate, anal, or pelvic examination.

2. A health care provider, or any student or trainee under the supervision of a health care provider, shall not knowingly perform a patient examination upon an anesthetized or unconscious patient in a health care facility unless:

(1) The patient or a person authorized to make health care decisions for the patient has given specific informed consent to the patient examination for nonmedical purposes;

(2) The patient examination is necessary for diagnostic or treatment purposes;

(3) The collection of evidence through a forensic examination, as defined under subsection 8 of section 595.220, for a suspected sexual assault on the anesthetized or unconscious patient is necessary because the evidence will be lost or the patient is unable to give informed consent due to a medical condition; or

(4) Circumstances are present which imply consent, as described in section 431.063.

3. A health care provider shall notify a patient of any patient examination performed under subdivisions (2) to (4) of subsection 2 of this section if the patient is unable to give verbal or written consent.

4. A health care provider who violates the provisions of this section, or who supervises a student or trainee who violates the provisions of this section, shall be subject to discipline by any licensing board that licenses the health care provider.

191.430. PROGRAM ESTABLISHED, PURPOSE — DEPARTMENT DUTIES. — 1. There is hereby established within the department of health and senior services the "Health Professional Loan Repayment Program" to provide forgivable loans for the purpose of repaying existing loans related to applicable educational expenses for health care, mental health, and public health professionals. The department of health and senior services shall be the administrative agency for the implementation of the program established by this section.

2. The department of health and senior services shall prescribe the form and the time and method of filing applications and supervise the processing, including oversight and monitoring of the program, and shall promulgate rules to implement the provisions of sections 191.430 to 191.450. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

3. The director of the department of health and senior services shall have the discretion to determine the health professionals and practitioners who will receive forgivable health professional loans from the department to pay their existing loans. The director shall make such determinations each fiscal year based on evidence associated with the greatest needs in the best interests of the public. The health care, mental health, and public health professionals or disciplines funded in any given year shall be contingent

upon consultation with the office of workforce development in the department of higher education and workforce development and the department of mental health, or their successor agencies.

4. The department of health and senior services shall enter into a contract with each selected applicant who receives a health professional loan under this section. Each selected applicant shall apply the loan award to his or her educational debt. The contract shall detail the methods of forgiveness associated with a service obligation and the terms associated with the principal and interest accruing on the loan at the time of the award. The contract shall contain details concerning how forgiveness is earned, including when partial forgiveness is earned through a service obligation, and the terms and conditions associated with repayment of the loans for any obligation not served.

5. All health professional loans shall be made from funds appropriated by the general assembly to the health professional loan incentive fund established in section 191.445.

191.435. NEED FOR HEALTH CARE AREAS TO BE DESIGNATED. — The department of health and senior services shall designate counties, communities, or sections of areas in the state as areas of defined need for health care, mental health, and public health services. If a county, community, or section of an area has been designated or determined as a professional shortage area, a shortage area, or a health care, mental health, or public health professional shortage area by the federal Department of Health and Human Services or its successor agency, the department of health and senior services shall designate it as an area of defined need under this section. If the director of the department of health and senior services determines that a county, community, or section of an area has an extraordinary need for health care professional services without a corresponding supply of such professionals, the department of health and senior services may designate it as an area of defined need under this section.

191.440. CONTRACTS FOR FORGIVABLE LOANS, CONTENTS — PRACTICE SITES, STIPULATION OF. — 1. The department of health and senior services shall enter into a contract with each individual qualifying for a forgivable loan under sections 191.430 to 191.450. The written contract between the department and the individual shall contain, but not be limited to, the following:

(1) An agreement that the state agrees to award a loan and the individual agrees to serve for a period equal to two years, or a longer period as the individual may agree to, in an area of defined need as designated by the department, with such service period to begin on the date identified on the signed contract;

(2) A provision that any financial obligations arising out of a contract entered into and any obligation of the individual that is conditioned thereon is contingent upon funds being appropriated for loans;

(3) The area of defined need where the person will practice;

(4) A statement of the damages to which the state is entitled for the individual's breach of the contract; and

(5) Such other statements of the rights and liabilities of the department and of the individual not inconsistent with sections 191.430 to 191.450.

2. The department of health and senior services may stipulate specific practice sites, contingent upon department-generated health care, mental health, and public health professional need priorities, where applicants shall agree to practice for the duration of their participation in the program.

191.445. FUND CREATED, USE OF MONEYS. — There is hereby created in the state treasury the "Health Professional Loan Incentive Fund", which shall consist of any appropriations made by the general assembly, all funds recovered from an individual under section 191.450, and all funds generated by loan repayments received under sections 191.430 to 191.450. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall

be used solely by the department of health and senior services to provide loans under sections 191.430 to 191.450. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

191.450. FAILURE TO MAINTAIN ACCEPTABLE EMPLOYMENT STATUS, LIABLE FOR LOAN AMOUNT — RECOVERY AMOUNT. — 1. An individual who enters into a written contract with the department of health and senior services, as described in section 191.440, and who fails to maintain an acceptable employment status shall be liable to the state for any amount awarded as a loan by the department directly to the individual who entered into the contract that has not yet been forgiven.

2. An individual fails to maintain an acceptable employment status under this section when the contracted individual involuntarily or voluntarily terminates qualifying employment, is dismissed from such employment before completion of the contractual service obligation within the specific time frame outlined in the contract, or fails to respond to requests made by the department.

3. If an individual breaches the written contract of the individual by failing to begin or complete such individual's service obligation, the state shall be entitled to recover from the individual an amount equal to the sum of:

(1) The total amount of the loan awarded by the department or, if the department had already awarded partial forgiveness at the time of the breach, the amount of the loan not yet forgiven;

(2) The interest on the amount that would be payable if at the time the loan was awarded it was a loan bearing interest at the maximum prevailing rate as determined by the Treasurer of the United States;

(3) An amount equal to any damages incurred by the department as a result of the breach; and

(4) Any legal fees or associated costs incurred by the department or the state of Missouri in the collection of damages.

191.592. GRANT PROGRAM ESTABLISHED — DEFINITIONS — PURPOSE — FUND CREATED, USE OF MONEYS — PRIORITY OF EXPENDITURES — CRITERIA, REQUIREMENTS — REPORT — RULEMAKING AUTHORITY — EXPIRATION DATE. — 1. For purposes of this section, the following terms mean:

(1) "Department", the department of health and senior services;

(2) "Eligible entity", an entity that operates a physician medical residency program in this state and that is accredited by the Accreditation Council for Graduate Medical Education;

(3) "General primary care and psychiatry", family medicine, general internal medicine, general pediatrics, internal medicine-pediatrics, general obstetrics and gynecology, or general psychiatry;

(4) "Grant-funded residency position", a position that is accredited by the Accreditation Council for Graduate Medical Education, that is established as a result of funding awarded to an eligible entity for the purpose of establishing an additional medical resident position beyond the currently existing medical resident positions, and that is within the fields of general primary care and psychiatry. Such position shall end when the medical residency funding under this section is completed or when the resident in the medical grant-funded residency position is no longer employed by the eligible entity, whichever is earlier;

(5) "Participating medical resident", an individual who is a medical school graduate with a doctor of medicine degree or doctor of osteopathic medicine degree, who is participating in a postgraduate training program at an eligible entity, and who is filling a grant-funded residency position.

2. (1) Subject to appropriation, the department shall establish a medical residency grant program to award grants to eligible entities for the purpose of establishing and funding new general primary care and psychiatry medical residency positions in this state and continuing the funding of such new residency positions for the duration of the funded residency.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(2) (a) Funding shall be available for three years for residency positions in family medicine, general internal medicine, and general pediatrics.

(b) Funding shall be available for four years for residency positions in general obstetrics and gynecology, internal medicine-pediatrics, and general psychiatry.

3. (1) There is hereby created in the state treasury the "Medical Residency Grant Program Fund". Moneys in the fund shall be used to implement and fund grants to eligible entities.

(2) The medical residency grant program fund shall include funds appropriated by the general assembly, reimbursements from awarded eligible entities that were not able to fill the residency position or positions with an individual medical resident or residents, and any gifts, contributions, grants, or bequests received from federal, private, or other sources.

(3) The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely as provided in this section.

(4) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(5) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Subject to appropriation, the department shall expend moneys in the medical residency grant program fund in the following order:

(1) Necessary costs of the department to implement this section;

(2) Funding of grant-funded residency positions of individuals in the fourth year of their residency, as applicable to residents in general obstetrics and gynecology, internal medicine-pediatrics, and general psychiatry;

(3) Funding of grant-funded residency positions of individuals in the third year of their residency;

(4) Funding of grant-funded residency positions of individuals in the second year of their residency;

(5) Funding of grant-funded residency positions of individuals in the first year of their residency;

and

(6) The establishment of new grant-funded residency positions at awarded eligible entities.

5. The department shall establish criteria to evaluate which eligible entities shall be awarded grants for new grant-funded residency positions, criteria for determining the amount and duration of grants, the contents of the grant application, procedures and timelines by which eligible entities may apply for grants, and all other rules needed to implement the purposes of this section. Such criteria shall include a preference for eligible entities located in areas of highest need for general primary care and psychiatric care physicians, as determined by the health professional shortage area score.

6. Eligible entities that receive grants under this section shall:

(1) Agree to supplement awarded funds under this section, if necessary, to establish or maintain a grant-funded residency position for the duration of the funded resident's medical residency; and

(2) Agree to abide by other requirements imposed by rule.

7. Annual funding per participating medical resident shall be limited to:

(1) Direct graduate medical education costs including, but not limited to:

(a) Salaries and benefits for residents, faculty, and program staff;

(b) Malpractice insurance, licenses, and other required fees; and

(c) Program administration and educational materials; and

(2) Indirect costs of graduate medical education necessary to meet the standards of the Accreditation Council for Graduate Medical Education.

8. No new grant-funded residency positions under this section shall be established after the tenth fiscal year in which grants are awarded. However, any residency positions funded under this section may continue to be funded until the completion of the resident's medical residency.

9. The department shall submit an annual report to the general assembly regarding the implementation of the program developed under this section.

10. The department may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

11. The provisions of this section shall expire on January 1, 2038.

191.600. LOAN REPAYMENT PROGRAM ESTABLISHED — HEALTH PROFESSIONAL STUDENT LOAN REPAYMENT PROGRAM FUND ESTABLISHED — USE. — 1. Sections 191.600 to 191.615 establish a loan repayment program for graduates of approved medical schools, schools of osteopathic medicine, schools of dentistry and accredited chiropractic colleges who practice in areas of defined need and shall be known as the "Health Professional Student Loan Repayment Program". Sections 191.600 to 191.615 shall apply to graduates of accredited chiropractic colleges when federal guidelines for chiropractic shortage areas are developed.

2. The "Health Professional Student Loan and Loan Repayment Program Fund" is hereby created in the state treasury. All funds recovered from an individual pursuant to section 191.614 and all funds generated by loan repayments and penalties received pursuant to section 191.540 shall be credited to the fund. The moneys in the fund shall be used by the department of health and senior services to provide loan repayments pursuant to section 191.611 in accordance with sections 191.600 to 191.614 [and to provide loans pursuant to sections 191.500 to 191.550].

191.828. EVALUATIONS, EFFECT OF INITIATIVES. — 1. The following departments shall conduct on-going evaluations of the effect of the initiatives enacted by the following sections:

(1) The department of commerce and insurance shall evaluate the effect of revising section 376.782 and sections 143.999, 208.178, 374.126, and 376.891 to 376.894;

(2) The department of health and senior services shall evaluate the effect of revising sections 105.711 and [sections 191.520 and] 191.600 and enacting section 191.411, and sections 167.600 to 167.621, 191.231, 208.177, 431.064, and 660.016. In collaboration with the state board of registration for the healing arts, the state board of nursing, and the state board of pharmacy, the department of health and senior services shall also evaluate the effect of revising section 195.070, section 334.100, and section 335.016, and of sections 334.104 and 334.112, and section 338.095 and 338.198;

(3) The department of social services shall evaluate the effect of revising section 198.090, and sections 208.151, 208.152 and 208.215, and section 383.125, and of sections 167.600 to 167.621, 208.177, 208.178, 208.179, 208.181, and 211.490;

(4) The office of administration shall evaluate the effect of revising sections 105.711 and 105.721;

(5) The Missouri consolidated health care plan shall evaluate the effect of section 103.178; and

(6) The department of mental health shall evaluate the effect of section 191.831 as it relates to substance abuse treatment and of section 191.835.

2. The department of revenue and office of administration shall make biannual reports to the general assembly and the governor concerning the income received into the health initiatives fund and the level of funding required to operate the programs and initiatives funded by the health initiatives fund at an optimal level.

191.831. HEALTH INITIATIVES FUND ESTABLISHED, USE — ALT-CARE PILOT PROGRAM, COMPONENTS — PARTICIPATION MAY BE REQUIRED. — 1. There is hereby established in the state treasury a "Health Initiatives Fund", to which shall be deposited all revenues designated for the fund under subsection 8 of section 149.015, and subsection 3 of section 149.160, and section 167.609, and all other funds donated to the fund or otherwise deposited pursuant to law. The state treasurer shall administer the fund. Money in the fund shall be appropriated to provide funding for implementing the new programs and initiatives established by sections 105.711 and 105.721. The moneys in the fund may further be used to fund those programs established by sections 191.411[, 191.520] and 191.600, sections 208.151 and 208.152, and sections 103.178, 143.999, 167.600 to 167.621, 188.230, 191.211, 191.231, 191.825 to 191.839, 192.013, 208.177, 208.178, 208.179 and 208.181, 211.490, 285.240, 337.093, 374.126, 376.891 to 376.894, 431.064, 660.016, 660.017 and 660.018; in addition, not less than fifteen percent of the proceeds deposited to the health initiative fund pursuant to sections 149.015 and 149.160 shall be appropriated annually to provide funding for the C-STAR substance abuse rehabilitation program of the department of mental health, or its successor program, and a C-STAR pilot project developed by the director of the division of alcohol and drug abuse and the director of the department of corrections as an alternative to incarceration, as provided in subsections 2, 3, and 4 of this section. Such pilot project shall be known as the "Alt-care" program. In addition, some of the proceeds deposited to the health initiatives fund pursuant to sections 149.015 and 149.160 shall be appropriated annually to the division of alcohol and drug abuse of the department of mental health to be used for the administration and oversight of the substance abuse traffic [offenders] offender program defined in section 302.010 [and section 577.001]. The provisions of section 33.080 to the contrary notwithstanding, money in the health initiatives fund shall not be transferred at the close of the biennium to the general revenue fund.

2. The director of the division of alcohol and drug abuse and the director of the department of corrections shall develop and administer a pilot project to provide a comprehensive substance abuse treatment and rehabilitation program as an alternative to incarceration, hereinafter referred to as "Alt-care". Alt-care shall be funded using money provided under subsection 1 of this section through the Missouri Medicaid program, the C-STAR program of the department of mental health, and the division of alcohol and drug abuse's purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and living arrangements individually adapted to each client and her children. Alt-care shall consist of the following components:

- (1) Assessment and treatment planning;
- (2) Community support to provide continuity, monitoring of progress and access to services and resources;
- (3) Counseling from individual to family therapy;
- (4) Day treatment services which include accessibility seven days per week, transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly events for families and companions, job and education preparedness training, peer support and self-help and daily living skills; and
- (5) Living arrangement options which are permanent, substance-free and conducive to treatment and recovery.

3. Any female who is pregnant or is the custodial parent of a child or children under the age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of chapter 195, and whose controlled substance abuse was a precipitating or contributing factor in the commission of the offense, and who is placed on probation may be required, as a condition of probation, to participate in Alt-care, if space is available in the pilot project area. Determinations of eligibility for the program, placement, and continued participation shall be made by the division of alcohol and drug abuse, in consultation with the department of corrections.

4. The availability of space in Alt-care shall be determined by the director of the division of alcohol and drug abuse in conjunction with the director of the department of corrections. If the sentencing court is advised that there is no space available, the court shall consider other authorized dispositions.

195.206. OPIOID ANTAGONIST OR ADDICTION MITIGATION MEDICINE, SALE AND DISPENSING OF BY PHARMACISTS, POSSESSION OF — ADMINISTRATION OF, CONTACTING EMERGENCY PERSONNEL — IMMUNITY FROM LIABILITY, WHEN. — 1. As used in this section, the following terms shall mean:

(1) "Addiction mitigation medication", naltrexone hydrochloride that is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(2) "Opioid antagonist", naloxone hydrochloride, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose ~~[that]~~ and is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(3) "Opioid-related drug overdose", a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid or other substance with which an opioid was combined or a condition that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

2. Notwithstanding any other law or regulation to the contrary:

(1) The director of the department of health and senior services, if a licensed physician, may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication;

(2) In the alternative, the department may employ or contract with a licensed physician who may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication with the express written consent of the department director.

3. Notwithstanding any other law or regulation to the contrary, any licensed pharmacist in Missouri may sell and dispense an opioid antagonist or an addiction mitigation medication under physician protocol or under a statewide standing order issued under subsection 2 of this section.

4. A licensed pharmacist who, acting in good faith and with reasonable care, sells or dispenses an opioid antagonist or an addiction mitigation medication and an appropriate device to administer the drug, and the protocol physician, shall not be subject to any criminal or civil liability or any professional disciplinary action for prescribing or dispensing the opioid antagonist or an addiction mitigation medication or any outcome resulting from the administration of the opioid antagonist or an addiction mitigation medication. A physician issuing a statewide standing order under subsection 2 of this section shall not be subject to any criminal or civil liability or any professional disciplinary action for issuing the standing order or for any outcome related to the order or the administration of the opioid antagonist or an addiction mitigation medication.

5. Notwithstanding any other law or regulation to the contrary, it shall be permissible for any person to possess an opioid antagonist or an addiction mitigation medication.

6. Any person who administers an opioid antagonist to another person shall, immediately after administering the drug, contact emergency personnel. Any person who, acting in good faith and with reasonable care, administers an opioid antagonist to another person whom the person believes to be suffering an opioid-related drug overdose shall be immune from criminal prosecution, disciplinary actions from his or her professional licensing board, and civil liability due to the administration of the opioid antagonist.

196.1050. OPIOID ADDICTION TREATMENT, ANY OPIOID-RELATED SETTLEMENT MONEYS TO BE USED FOR — FUND ESTABLISHED. — 1. The proceeds of any monetary settlement or portion

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of a global settlement between the attorney general of the state and any drug manufacturers, distributors, pharmacies, or combination thereof to resolve an opioid-related cause of action against such drug manufacturers, distributors, pharmacies, or combination thereof in a state or federal court shall only be utilized to pay for opioid addiction treatment and prevention services and health care and law enforcement costs related to opioid addiction treatment and prevention. Under no circumstances shall such settlement moneys be utilized to fund other services, programs, or expenses not reasonably related to opioid addiction treatment and prevention.

2. (1) There is hereby established in the state treasury the "Opioid Addiction Treatment and Recovery Fund", which shall consist of the proceeds of any settlement described in subsection 1 of this section, as well as any funds appropriated by the general assembly, or gifts, grants, donations, or bequests. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used by the department of mental health, the department of health and senior services, the department of social services, the department of public safety, the department of corrections, and the judiciary for the purposes set forth in subsection 1 of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

197.020. DEFINITIONS. — 1. "Governmental unit" means any county, municipality or other political subdivision or any department, division, board or other agency of any of the foregoing.

2. "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more nonrelated individuals. The term "hospital" shall include a facility designated as a rural emergency hospital by the Centers for Medicare and Medicaid Services. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198.

3. "Person" means any individual, firm, partnership, corporation, company or association and the legal successors thereof.

208.035. TRANSITIONAL BENEFITS PROGRAM, TANF AND SNAP — AMOUNT OF BENEFITS — RULEMAKING AUTHORITY. — 1. Subject to appropriations and any necessary waivers or approvals, the department of social services shall develop and implement a transitional benefits program for temporary assistance for needy families (TANF) and the supplemental nutrition assistance program (SNAP) that is designed in such a way that a TANF or SNAP beneficiary will not experience an immediate loss of benefits should the beneficiary's income exceed the maximum allowable income for such program. The transitional benefits offered shall provide for a transition to self-sufficiency while incentivizing work and financial stability.

2. The transitional benefits offered shall gradually step down the beneficiary's monthly benefit proportionate to the increase in the beneficiary's income. The determination for a beneficiary's transitional benefit shall be as follows:

(1) One hundred percent of the monthly benefit for beneficiaries with monthly household incomes less than or equal to one hundred thirty-eight percent of the federal poverty level;

(2) Eighty percent of the monthly benefit for beneficiaries with monthly household incomes greater than one hundred thirty-eight percent but less than or equal to one hundred fifty percent of the federal poverty level;

(3) Sixty percent of the monthly benefit for beneficiaries with monthly household incomes greater than one hundred fifty percent but less than or equal to one hundred seventy percent of the federal poverty level;

(4) Forty percent of the monthly benefit for beneficiaries with monthly household incomes greater than one hundred seventy percent but less than or equal to one hundred ninety percent of the federal poverty level; and

(5) Twenty percent of the monthly benefit for beneficiaries with monthly household incomes greater than one hundred ninety percent but less than or equal to two hundred percent of the federal poverty level.

Notwithstanding any provision of this section to the contrary, any beneficiary where monthly household income exceeds five thousand eight hundred twenty-two dollars, as adjusted for inflation, shall not be eligible for any transitional benefit under this section.

3. Beneficiaries receiving transitional benefits under this section shall comply with all requirements of each program for which they are eligible, including work requirements. Transitional benefits received under this section shall not be included in the lifetime limit for receipt of TANF benefits under section 208.040.

4. The department may promulgate any rules or regulations necessary for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

208.053. TRANSITIONAL CHILD CARE BENEFITS PROGRAM — AMOUNT — REPORT — RULEMAKING. — 1. [The provisions of this section shall be known as the "Low-Wage Trap Elimination Act".] In order to more effectively transition persons receiving state-funded child care subsidy benefits under this chapter, the department of elementary and secondary education[, in conjunction with the department of revenue,] shall, subject to appropriations, by July 1, [2022] 2024, implement a [pilot] program [in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, and a county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, to be called the "Hand-Up Program",] to allow [applicants in the program] recipients to receive transitional child care benefits without the requirement that such [applicants] recipients first be eligible for full child care benefits.

(1) For purposes of this section, "full child care benefits" shall be the full benefits awarded to a recipient based on the income eligibility amount established by the department through the annual appropriations process as of August 28, [2021] 2023, to qualify for the benefits and shall not include the transitional child care benefits that are awarded to recipients whose income surpasses the eligibility level for full benefits to continue. The [hand-up] program shall be voluntary and shall be designed such that [an applicant] a recipient may begin receiving the transitional child care benefit without having first qualified for the full child care benefit or any other tier of the transitional child care benefit. [Under no circumstances shall any applicant be eligible for the hand-up program if the applicant's income does not fall within the transitional child care benefit income limits established through the annual appropriations process.]

(2) Transitional child care benefits shall be determined on a sliding scale as follows for recipients with household incomes in excess of the eligibility level for full benefits:

(a) Eighty percent of the state base rate for recipients with household incomes greater than the eligibility level for full benefits but less than or equal to one hundred fifty percent of the federal poverty level;

(b) Sixty percent of the state base rate for recipients with household incomes greater than one hundred fifty percent but less than or equal to one hundred seventy percent of the federal poverty level;

(c) Forty percent of the state base rate for recipients with household incomes greater than one hundred seventy percent but less than or equal to one hundred ninety percent of the federal poverty level; and

(d) Twenty percent of the state base rate for recipients with household incomes greater than one hundred ninety percent but less than or equal to two hundred percent of the federal poverty level, but not greater than eighty-five percent of the state median income.

(3) As used in this section, "state base rate" shall refer to the rate established by the department for provider payments that accounts for geographic area, type of facility, duration of care, and age of the child, as well as any enhancements reflecting after-hours or weekend care, accreditation, or licensure status, as determined by the department. Recipients shall be responsible for paying the remaining sliding fee to the child care provider.

(4) A participating recipient shall be allowed to opt out of the program at any time, but such person shall not be allowed to participate in the program a second time.

2. The department shall track the number of participants in the [hand-up] program and shall issue an annual report to the general assembly by September 1, [2023] 2025, and annually on September first thereafter, detailing the effectiveness of the [pilot] program in encouraging recipients to secure employment earning an income greater than the maximum wage eligible for the full child care benefit. The report shall also detail the costs of administration and the increased amount of state income tax paid as a result of the program], as well as an analysis of whether the pilot program could be expanded to include other types of benefits, including, but not limited to, food stamps, temporary assistance for needy families, low-income heating assistance, women, infants and children supplemental nutrition program, the state children's health insurance program, and MO HealthNet benefits].

3. The department shall pursue all necessary waivers from the federal government to implement the [hand-up] program. If the department is unable to obtain such waivers, the department shall implement the program to the degree possible without such waivers.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated under this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

[5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically three years after August 28, 2021, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically three years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

208.066. SNAP AND TANF, ONE-PAGE APPLICATION FORM — ELIGIBILITY REVIEW FORM, HOW SUBMITTED — RULEMAKING AUTHORITY. — 1. Upon approval by the Centers for

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Matter underscored is proposed language.

Medicare and Medicaid Services, the Food and Nutrition Services within the United States Department of Agriculture, or any other relevant federal agency, the department of social services shall limit any initial application for the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Needy Families program (TANF), the child care assistance program, or MO HealthNet to a one-page form that is easily accessible on the department of social services' website.

2. Persons who are participants in a program listed in subsection 1 of this section who are required to complete a periodic eligibility review form may submit such form as an attachment to their Missouri state individual income tax return if the person's eligibility review form is due before or at the same time that he or she files such state tax return. The department of social services shall limit periodic eligibility review forms associated with the programs listed in subsection 1 of this section to a one-page form that is easily accessible on both the department of social services' website and the department of revenue's website.

3. Notwithstanding the provisions of section 32.057 to the contrary, the department of revenue shall share any eligibility form submitted under this section with the department of social services.

4. The department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

208.072. APPLICATION FOR MEDICAL ASSISTANCE, APPROVAL OR DENIAL, WHEN — MEDICAID PAYMENTS TO LONG-TERM CARE FACILITIES, WHEN. — 1. A completed application for medical assistance for services described in section 208.152 shall be approved or denied within thirty days from submission to the family support division or its successor.

2. The MO HealthNet division shall remit to a licensed nursing home operator the Medicaid payment for a newly admitted Medicaid resident in a licensed long-term care facility within forty-five days of the resident's date of admission.

3. In accordance with 42 CFR 435.907(a), as amended, if the applicant is a minor or incapacitated, the family support division or its successor shall accept an application from someone acting responsibly for the applicant.

208.146. TICKET-TO-WORK HEALTH ASSURANCE PROGRAM — ELIGIBILITY — REPORT — EXPIRATION DATE. — 1. The program established under this section shall be known as the "Ticket to Work Health Assurance Program". Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income Program or meets the definition of an employed individual with a medically improved disability under TWWIIA;

(2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section; and

(4) Has [net] income, as [defined] determined in subsection 3 of this section, that does not exceed [the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and

(5) Has a gross income of] two hundred fifty percent [or less] of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent

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of the federal poverty level. [For purposes of this subdivision, "gross income" includes all income of the person and the person's spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.]

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; and

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an "independent living account" means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person's disability; and

(c) Retirement accounts including, but not limited to, individual accounts, 401(k) plans, 403(b) plans, Keogh plans, and pension plans, provided that income from such accounts be calculated as income under subdivision (4) of subsection 1 of this section.

(2) To determine [net] income, the following shall be disregarded:

(a) [All earned income of the disabled worker;

(b)] The first [sixty-five dollars and one-half] fifty thousand dollars of [the remaining] earned income of [a nondisabled spouse's earned income] the person's spouse;

[(c)] (b) A twenty dollar standard deduction;

[(d)] (c) Health insurance premiums;

[(e)] (d) A seventy-five dollar a month standard deduction for the disabled worker's dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars;

[(f)] (e) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments; and

[(g)] (f) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker's earned income.

4. Any person whose [gross] income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose [gross] income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose [gross] income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the federal poverty level;

(3) For a person whose [gross] income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose [gross] income equals or exceeds two hundred fifty percent up to and including three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the occurrence of such change. An increase in premiums resulting from a reported change in income or household size shall be effective with the next premium invoice that is mailed to a person after due process requirements have been met. A decrease in premiums shall be effective the first day of the month immediately following the month in which the change is reported.

6. If an eligible person's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, such person shall participate in the employer-sponsored insurance. The department shall pay such person's portion of the premiums, co-payments, and any other costs associated with participation in the employer-sponsored health insurance. If the department elects to pay such person's employer-sponsored insurance costs under this subsection, the medical assistance provided under this section shall be provided to an eligible person as a secondary or supplemental policy for only personal care assistance services, as defined in section 208.900, and related costs and nonemergency medical transportation to any employer-sponsored benefits that may be available to such person.

7. The department of social services shall provide to the general assembly an annual report that identifies the number of participants in the program and describes the outreach and education efforts to increase awareness and enrollment in the program.

8. The department of social services shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the department determines are necessary to implement the provisions of this section.

9. The provisions of this section shall expire August 28, 2025.

208.151. MEDICAL ASSISTANCE, PERSONS ELIGIBLE — RULEMAKING AUTHORITY — WAIVERS — MILITARY MEMBERS ELIGIBILITY, TEMPORARY SUSPENSION, WHEN. — 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in treatment court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) (42 U.S.C. Sections 1396a to 1396b). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would

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remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. Pregnant women receiving mental health treatment for postpartum depression or related mental health conditions within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for mental health services for the treatment of postpartum depression and related mental health conditions for up to twelve additional months. Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior

services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

(26) Persons who are in foster care under the responsibility of the state of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, or persons who received foster care for at least six months in another state, are residing in Missouri, and are at least eighteen years of age, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care;

(27) Any homeless child or homeless youth, as those terms are defined in section 167.020, subject to approval of a state plan amendment by the Centers for Medicare and Medicaid Services;

(28) (a) Subject to approval of any necessary state plan amendments or waivers, beginning on the effective date of this act, pregnant women who are eligible for, have applied for, and have received MO HealthNet benefits under subdivision (2), (10), (11), or (12) of this subsection shall be eligible for medical assistance during the pregnancy and during the twelve-month period that begins on the last day of the woman's pregnancy and ends on the last day of the month in which such twelve-month period ends, consistent with the provisions of 42 U.S.C. Section 1396a(e)(16). The department shall submit a state plan amendment to the Centers for Medicare and Medicaid Services when the number of ineligible MO HealthNet participants removed from the program in 2023 pursuant to section 208.239 exceeds the projected number of beneficiaries likely to enroll in benefits in 2023 under this subdivision and subdivision (2) of subsection 6 of section 208.662, as determined by the department, by at least one hundred individuals;

(b) The provisions of this subdivision shall remain in effect for any period of time during which the federal authority under 42 U.S.C. Section 1396a(e)(16), as amended, or any successor statutes or implementing regulations, is in effect.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center

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as defined in 42 U.S.C. Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(i).

7. (1) Notwithstanding any provision of law to the contrary, a military service member, or an immediate family member residing with such military service member, who is a legal resident of this state and is eligible for MO HealthNet developmental disability services, shall have his or her eligibility for MO HealthNet developmental disability services temporarily suspended for any period of time during which such person temporarily resides outside of this state for reasons relating to military service, but shall have his or her eligibility immediately restored upon returning to this state to reside.

(2) Notwithstanding any provision of law to the contrary, if a military service member, or an immediate family member residing with such military service member, is not a legal resident of this state, but would otherwise be eligible for MO HealthNet developmental disability services, such individual shall be deemed eligible for MO HealthNet developmental disability services for the duration of any time in which such individual is temporarily present in this state for reasons relating to military service.

208.186. NONRESIDENTS, NO PAYMENTS, ADD-ONS, OR REIMBURSEMENTS TO HEALTH CARE PROVIDERS, WHEN. — The state shall not provide payments, add-ons, or reimbursements to health care providers through MO HealthNet for medical assistance services provided to persons who do not reside in this state, as determined under 42 CFR 435.403, or any amendments or successor regulations thereto.

208.239. ELIGIBILITY REDETERMINATIONS, RENEWALS, AND POSTENROLLMENT VERIFICATIONS, RESUMED, WHEN. — The department of social services shall resume annual MO HealthNet eligibility redeterminations, renewals, and postenrollment verifications no later than thirty days after the effective date of this act.

208.662. PROGRAM ESTABLISHED AS CHIPS PROGRAM — ELIGIBILITY — COVERAGE — REPORT, CONTENT — PROGRAM NOT ENTITLEMENT. — 1. There is hereby established within the department of social services the "Show-Me Healthy Babies Program" as a separate children's health insurance program (CHIP) for any low-income unborn child. The program shall be established under the authority of Title XXI of the federal Social Security Act, the State Children's Health Insurance Program, as amended, and 42 CFR 457.1.

2. For an unborn child to be enrolled in the show-me healthy babies program, his or her mother shall not be eligible for coverage under Title XIX of the federal Social Security Act, the Medicaid program, as it is administered by the state, and shall not have access to affordable employer-subsidized health care insurance or other affordable health care coverage that includes coverage for the unborn child. In addition, the unborn child shall be in a family with income eligibility of no more than three hundred percent of the federal poverty level, or the equivalent modified adjusted gross income, unless the income eligibility is set lower by the general assembly through appropriations. In calculating family

size as it relates to income eligibility, the family shall include, in addition to other family members, the unborn child, or in the case of a mother with a multiple pregnancy, all unborn children.

3. Coverage for an unborn child enrolled in the show-me healthy babies program shall include all prenatal care and pregnancy-related services that benefit the health of the unborn child and that promote healthy labor, delivery, and birth. Coverage need not include services that are solely for the benefit of the pregnant mother, that are unrelated to maintaining or promoting a healthy pregnancy, and that provide no benefit to the unborn child. However, the department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397ll.

4. There shall be no waiting period before an unborn child may be enrolled in the show-me healthy babies program. In accordance with the definition of child in 42 CFR 457.10, coverage shall include the period from conception to birth. The department shall develop a presumptive eligibility procedure for enrolling an unborn child. There shall be verification of the pregnancy.

5. Coverage for the child shall continue for up to one year after birth, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations.

6. (1) Pregnancy-related and postpartum coverage for the mother shall begin on the day the pregnancy ends and extend through the last day of the month that includes the sixtieth day after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations. The department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397ll.

(2) (a) Subject to approval of any necessary state plan amendments or waivers, beginning on the effective date of this act, mothers eligible to receive coverage under this section shall receive medical assistance benefits during the pregnancy and during the twelve-month period that begins on the last day of the woman's pregnancy and ends on the last day of the month in which such twelve-month period ends, consistent with the provisions of 42 U.S.C. Section 1397gg(e)(1)(J). The department shall seek any necessary state plan amendments or waivers to implement the provisions of this subdivision when the number of ineligible MO HealthNet participants removed from the program in 2023 pursuant to section 208.239 exceeds the projected number of beneficiaries likely to enroll in benefits in 2023 under this subdivision and subdivision (28) of subsection 1 of section 208.151, as determined by the department, by at least one hundred individuals.

(b) The provisions of this subdivision shall remain in effect for any period of time during which the federal authority under 42 U.S.C. Section 1397gg(e)(1)(J), as amended, or any successor statutes or implementing regulations, is in effect.

7. The department shall provide coverage for an unborn child enrolled in the show-me healthy babies program in the same manner in which the department provides coverage for the children's health insurance program (CHIP) in the county of the primary residence of the mother.

8. The department shall provide information about the show-me healthy babies program to maternity homes as defined in section 135.600, pregnancy resource centers as defined in section 135.630, and other similar agencies and programs in the state that assist unborn children and their mothers. The department shall consider allowing such agencies and programs to assist in the enrollment of unborn children in the program, and in making determinations about presumptive eligibility and verification of the pregnancy.

9. Within sixty days after August 28, 2014, the department shall submit a state plan amendment or seek any necessary waivers from the federal Department of Health and Human Services requesting approval for the show-me healthy babies program.

10. At least annually, the department shall prepare and submit a report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate analyzing and projecting the cost savings and benefits, if any, to the state, counties, local communities, school districts, law enforcement agencies, correctional centers, health care providers, employers, other public and private

entities, and persons by enrolling unborn children in the show-me healthy babies program. The analysis and projection of cost savings and benefits, if any, may include but need not be limited to:

(1) The higher federal matching rate for having an unborn child enrolled in the show-me healthy babies program versus the lower federal matching rate for a pregnant woman being enrolled in MO HealthNet or other federal programs;

(2) The efficacy in providing services to unborn children through managed care organizations, group or individual health insurance providers or premium assistance, or through other nontraditional arrangements of providing health care;

(3) The change in the proportion of unborn children who receive care in the first trimester of pregnancy due to a lack of waiting periods, by allowing presumptive eligibility, or by removal of other barriers, and any resulting or projected decrease in health problems and other problems for unborn children and women throughout pregnancy; at labor, delivery, and birth; and during infancy and childhood;

(4) The change in healthy behaviors by pregnant women, such as the cessation of the use of tobacco, alcohol, illicit drugs, or other harmful practices, and any resulting or projected short-term and long-term decrease in birth defects; poor motor skills; vision, speech, and hearing problems; breathing and respiratory problems; feeding and digestive problems; and other physical, mental, educational, and behavioral problems; and

(5) The change in infant and maternal mortality, preterm births and low birth weight babies and any resulting or projected decrease in short-term and long-term medical and other interventions.

11. The show-me healthy babies program shall not be deemed an entitlement program, but instead shall be subject to a federal allotment or other federal appropriations and matching state appropriations.

12. Nothing in this section shall be construed as obligating the state to continue the show-me healthy babies program if the allotment or payments from the federal government end or are not sufficient for the program to operate, or if the general assembly does not appropriate funds for the program.

13. Nothing in this section shall be construed as expanding MO HealthNet or fulfilling a mandate imposed by the federal government on the state.

209.700. CITATION OF LAW — DEFINITIONS — PERSONS WITH DISABILITIES, EMPLOYMENT, DUTIES OF STATE AGENCIES — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Missouri Employment First Act".

2. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) "Competitive integrated employment", work that:

(a) Is performed on a full-time or part-time basis, including self-employment, and for which a person is compensated at a rate that:

a. Is no less than the higher of the rate specified in 29 U.S.C. Section 206(a)(1) or the rate required under any applicable state or local minimum wage law for the place of employment;

b. Is no less than the customary rate paid by the employer for the same or similar work performed by other employees who are not persons with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills;

c. In the case of a person who is self-employed, yields an income that is comparable to the income received by other persons who are not persons with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

d. Is eligible for the level of benefits provided to other employees;

(b) Is at a location:

a. Typically found in the community; and

b. Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site and, as appropriate

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to the work performed, other persons, such as customers and vendors, who are not persons with disabilities, other than supervisory personnel or persons who are providing services to such employee, to the same extent that employees who are not persons with disabilities and who are in comparable positions interact with these persons; and

(c) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not persons with disabilities and who have similar positions;

(2) "Customized employment", competitive integrated employment for a person with a significant disability that is:

(a) Based on an individualized determination of the unique strengths, needs, and interests of the person with a significant disability;

(b) Designed to meet the specific abilities of the person with a significant disability and the business needs of the employer; and

(c) Carried out through flexible strategies, such as:

a. Job exploration by the person; and

b. Working with an employer to facilitate placement, including:

(i) Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;

(ii) Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision, including performance evaluation and review, and determining a job location;

(iii) Using a professional representative chosen by the person or self-representation, if elected, to work with an employer to facilitate placement; and

(iv) Providing services and supports at the job location;

(3) "Disability", a physical or mental impairment that substantially limits one or more major life activities of a person, as defined in the Americans with Disabilities Act of 1990, as amended. The term "disability" does not include brief periods of intoxication caused by alcohol or drugs or dependence upon or addiction to any alcohol or drug;

(4) "Employment first", a concept to facilitate the full inclusion of persons with disabilities in the workplace and community in which community-based, competitive integrated employment is the first and preferred outcome for employment services for persons with disabilities;

(5) "Employment-related services", services provided to persons, including persons with disabilities, to assist them in finding employment. The term "employment-related services" includes, but is not limited to, resume development, job fairs, and interview training;

(6) "Integrated setting", a setting:

(a) Typically found in the community; and

(b) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site and, as appropriate to the work performed, other persons, such as customers and vendors, who are not persons with disabilities, other than supervisory personnel or persons who are providing services to such employee, to the same extent that employees who are not persons with disabilities and who are in comparable positions interact with these persons;

(7) "Outcome", with respect to a person entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment, including customized employment, self-employment, telecommuting, or business ownership, or supported employment that is consistent with a person's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

(8) "Sheltered workshop", the same meaning given to the term in section 178.900;

(9) "State agency", an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive branch of state government;

(10) "Supported employment", competitive integrated employment, including customized employment, or employment in an integrated setting in which persons are working toward a competitive integrated employment, that is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the persons involved who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services in order to perform the work involved;

(11) "Supported employment services", ongoing support services, including customized employment, needed to support and maintain a person with a most significant disability in supported employment, that:

(a) Are provided singly or in combination and are organized and made available in such a way as to assist an eligible person to achieve competitive integrated employment; and

(b) Are based on a determination of the needs of an eligible person, as specified in an individualized plan for employment;

(12) "Working age", sixteen years of age or older;

(13) "Youth with a disability", any person fourteen years of age or older and under eighteen years of age who has a disability.

3. All state agencies that provide employment-related services or that provide services or support to persons with disabilities shall:

(1) Develop collaborative relationships with each other, confirmed by a written memorandum of understanding signed by each such state agency; and

(2) Implement coordinated strategies to promote competitive integrated employment including, but not limited to, coordinated service planning, job exploration, increased job training, and internship opportunities.

4. All state agencies that provide employment-related services or that provide services or support to persons with disabilities shall:

(1) Implement an employment first policy by considering competitive integrated employment as the first and preferred outcome when planning or providing services or supports to persons with disabilities who are of working age;

(2) Offer information on competitive integrated employment to all working-age persons with disabilities. The information offered shall include an explanation of the relationship between a person's earned income and his or her public benefits, information on Achieving a Better Life Experience (ABLE) accounts, and information on accessing assistive technology;

(3) Ensure that persons with disabilities receive the opportunity to understand and explore education and training as pathways to employment, including postsecondary, graduate, and postgraduate education; vocational and technical training; and other training. State agencies shall not be required to fund any education or training unless otherwise required by law;

(4) Promote the availability and accessibility of individualized training designed to prepare a person with a disability for the person's preferred employment;

(5) Promote partnerships with private agencies that offer supported employment services, if appropriate;

(6) Promote partnerships with employers to overcome barriers to meeting workforce needs with the creative use of technology and innovation;

(7) Ensure that staff members of public schools, vocational service programs, and community providers receive the support, guidance, and training that they need to contribute to attainment of the goal of competitive integrated employment for all persons with disabilities;

(8) Ensure that competitive integrated employment, while the first and preferred outcome when planning or providing services or supports to persons with disabilities who are of working age, is not required of a person with a disability to secure or maintain public benefits for which the person is otherwise eligible; and

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(9) At least once each year, discuss basic information about competitive integrated employment with the parents or guardians of a youth with a disability. If the youth with a disability has been emancipated, state agencies shall discuss this information with the youth with a disability. The information offered shall include an explanation of the relationship between a person's earned income and his or her public benefits, information about ABLE accounts, and information about accessing assistive technology.

5. Nothing in this section shall require a state agency to perform any action that would interfere with the state agency's ability to fulfill duties and requirements mandated by federal law.

6. Nothing in this section shall be construed to limit or disallow any disability benefits to which a person with a disability who is unable to engage in competitive integrated employment would otherwise be entitled.

7. Nothing in this section shall be construed to eliminate any supported employment services or sheltered workshop settings as options.

8. (1) Nothing in this section shall be construed to require any state agency or other employer to give a preference in hiring to persons with disabilities or to prohibit any employment relationship or program that is otherwise permitted under applicable law.

(2) Any person who is employed by a state agency shall meet the minimum qualifications and requirements for the position in which the person is employed.

9. All state agencies that provide employment-related services or that provide services or support to persons with disabilities shall coordinate efforts and collaborate within and among each other to ensure that state programs, policies, and procedures support competitive integrated employment for persons with disabilities who are of working age. All such state agencies, when feasible, shall share data and information across systems in order to track progress toward full implementation of this section. All such state agencies are encouraged to adopt measurable goals and objectives to promote assessment of progress in implementing this section.

10. State agencies may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

210.1360. MINORS RECEIVING CHILD CARE, CONFIDENTIALITY OF CERTAIN INFORMATION, EXCEPTIONS. — 1. Any personally identifiable information regarding any child under eighteen years of age receiving child care from any provider or applying for or receiving any services through a state program shall not be subject to disclosure except as otherwise provided by law.

2. This section shall not prohibit any state agency from disclosing personally identifiable information to governmental entities or its agents, vendors, grantees, and contractors in connection to matters relating to its official duties. The provisions of this section shall not apply to any state, county, or municipal law enforcement agency acting in its official capacity.

3. This section shall not prevent a parent or legal guardian from accessing the parent's or legal guardian's child's records.

334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, CONTENTS, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NOTICE OF COLLABORATIVE PRACTICE OR PHYSICIAN ASSISTANT AGREEMENTS TO BOARD, WHEN — CERTAIN NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN — CONTRACT LIMITATIONS.

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— 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services. An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except as specified in this paragraph. The following provisions shall apply with respect to this requirement:

a. Until August 28, 2025, an advanced practice registered nurse providing services in a correctional center, as defined in section 217.010, and his or her collaborating physician shall satisfy the geographic proximity requirement if they practice within two hundred miles by road of one another;

b. The collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by [P.L.] Pub. L. 95-210 (42 U.S.C. Section 1395x, as amended), as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural

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health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic[.];
and

c. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to geographic proximity shall allow a collaborating physician and a collaborating advanced practice registered nurse to practice within two hundred miles by road of one another until August 28, 2025, if the nurse is providing services in a correctional center, as defined in section 217.010. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement

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between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his or her medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, including collaborative practice agreements delegating the authority to prescribe controlled substances, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than six full-time equivalent advanced practice registered nurses, full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other agreement shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered

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nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other agreement shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

335.203. NURSING EDUCATION INCENTIVE PROGRAM ESTABLISHED — GRANTS AUTHORIZED, ELIGIBILITY — ADMINISTRATION — RULEMAKING AUTHORITY. — 1. There is hereby established the "Nursing Education Incentive Program" within the state board of nursing.

2. Subject to appropriation and board disbursement, grants shall be awarded through the nursing education incentive program to eligible institutions of higher education based on criteria jointly determined by the board and the department of higher education and workforce development. [Grant award amounts shall not exceed one hundred fifty thousand dollars.] No campus shall receive more than one grant per year.

3. To be considered for a grant, an eligible institution of higher education shall offer a program of nursing that meets the predetermined category and area of need as established by the board and the department under subsection 4 of this section.

4. The board and the department shall determine categories and areas of need for designating grants to eligible institutions of higher education. In establishing categories and areas of need, the board and department may consider criteria including, but not limited to:

(1) Data generated from licensure renewal data and the department of health and senior services; and

(2) National nursing statistical data and trends that have identified nursing shortages.

5. The board shall be the administrative agency responsible for implementation of the program established under sections 335.200 to 335.203, and shall promulgate reasonable rules for the exercise of its functions and the effectuation of the purposes of sections 335.200 to 335.203. The board shall, by rule, prescribe the form, time, and method of filing applications and shall supervise the processing of such applications.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

335.205. LICENSURE, SURCHARGE, AMOUNT. — The board, in addition to any other duties it may have regarding licensure of nurses, shall collect, at the time of any initial license application or license renewal application, a nursing education incentive program surcharge from each person licensed or relicensed under this chapter, in the amount of one dollar per year for practical nurses and five dollars per year for registered professional nurses. These funds shall be deposited in the state board of nursing fund described in section 335.036.

338.010. PRACTICE OF PHARMACY — LICENSE REQUIRED — AUXILIARY PERSONNEL — WRITTEN PROTOCOL REQUIRED, WHEN — NONPRESCRIPTION DRUGS — RULEMAKING AUTHORITY — THERAPEUTIC PLAN REQUIREMENTS — VETERINARIAN DEFINED —

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ADDITIONAL REQUIREMENTS — SHOWMEVAX SYSTEM, NOTICE — PUBLIC HEALTH EMERGENCIES. — 1. The "practice of pharmacy" [means] includes:

(1) The interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353[;], and the receipt, transmission, or handling of such orders or facilitating the dispensing of such orders;

(2) The designing, initiating, implementing, and monitoring of a medication therapeutic plan [as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist] in accordance with the provisions of this section;

(3) The compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders [and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule];

(4) The ordering and administration of vaccines approved or authorized by the U.S. Food and Drug Administration, excluding vaccines for cholera, monkeypox, Japanese encephalitis, typhoid, rabies, yellow fever, tick-borne encephalitis, anthrax, tuberculosis, dengue, Hib, polio, rotavirus, smallpox, and any vaccine approved after January 1, 2023, to persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is older, pursuant to joint promulgation of rules established by the board of pharmacy and the state board of registration for the healing arts unless rules are established under a state of emergency as described in section 44.100;

(5) The participation in drug selection according to state law and participation in drug utilization reviews;

(6) The proper and safe storage of drugs and devices and the maintenance of proper records thereof;

(7) Consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices;

(8) The prescribing and dispensing of any nicotine replacement therapy product under section 338.665;

(9) The dispensing of HIV postexposure prophylaxis pursuant to section 338.730; and

(10) The offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy.

2. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter.

3. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance.

4. This chapter shall [also] not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

[2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services.]

5. A pharmacist with a certificate of medication therapeutic plan authority may provide medication therapy services pursuant to a written protocol from a physician licensed under chapter 334 to patients who have established a physician-patient relationship, as described in subdivision (1) of subsection 1 of section 191.1146, with the protocol physician. The written protocol [and the prescription order for a

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medication therapeutic plan] authorized by this section shall come only from the physician [only,] and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

[3.] 6. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

[4.] 7. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

[5.] 8. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

[6.] 9. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

[7.] 10. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols [for prescription orders] for medication therapy services [and administration of viral influenza vaccines]. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the [referring] protocol physician or similar body authorized by this section, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for [prescription orders for] medication therapy services [and administration of viral influenza vaccines]. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

[8.] 11. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

[9.] 12. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a [prescription order] written protocol from a physician that [is] may be specific to each patient for care by a pharmacist.

[10.] 13. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

[11.] 14. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

[12.] 15. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

~~[(3)]~~ 16. In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

~~[(13.)]~~ 17. A pharmacist shall inform the patient that the administration of ~~[the]~~ a vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

18. A pharmacist licensed under this chapter may order and administer vaccines approved or authorized by the U.S. Food and Drug Administration to address a public health need, as lawfully authorized by the state or federal government, or a department or agency thereof, during a state or federally declared public health emergency.

338.012. MEDICATION THERAPY SERVICES, CERTAIN DISEASES, PHARMACIST MAY PROVIDE UNDER STATEWIDE STANDING ORDER — RULEMAKING AUTHORITY. — 1. A pharmacist with a certificate of medication therapeutic plan authority may provide influenza, group A streptococcus, and COVID-19 medication therapy services pursuant to a statewide standing order issued by the director or chief medical officer of the department of health and senior services if that person is a licensed physician, or a licensed physician designated by the department of health and senior services.

2. The state board of registration for the healing arts, pursuant to section 334.125, and the state board of pharmacy, pursuant to section 338.140, shall jointly promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

376.1060. HEALTH CARE SERVICES — DEFINITIONS — LIMITATIONS ON THIRD-PARTY ACCESS, REQUIREMENTS — INAPPLICABILITY, WHEN. — 1. As used in this section, the following terms shall mean:

(1) "Contracting entity", any person or entity, including a health carrier, that is engaged in the act of contracting with providers for the delivery of ~~[dental]~~ health care services ~~[or the selling or assigning of dental network plans to other health care entities];~~

(2) ~~["Identify"]~~, providing in writing, by email or otherwise, to the participating provider the name, address, and telephone number, to the extent possible, for any third party to which the contracting entity

has granted access to the health care services of the participating provider;

(3) "Network plan", health insurance coverage offered by a health insurance issuer under which the financing and delivery of dental services are provided in whole or in part through a defined set of participating providers under contract with the health insurance issuer] "Health care service", the same meaning given to the term in section 376.1350;

[(4)] (3) "Health carrier", the same meaning given to the term in section 376.1350. The term "health carrier" shall also include any entity described in subdivision (4) of section 354.700;

(4) "Participating provider", a provider who, under a contract with a contracting entity, has agreed to provide [dental] health care services with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the contracting entity;

(5) "Provider", any person licensed under section 332.071;

(6) "Provider network contract", a contract between a contracting entity and a provider that specifies the rights and responsibilities of the contracting entity and provides for the delivery and payment of health care services;

(7) "Third party", a person or entity that enters into a contract with a contracting entity or with another third party to gain access to the health care services or contractual discounts of a provider network contract. "Third party" does not include an employer or other group for whom the health carrier or contracting entity provides administrative services.

2. A contracting entity [shall not sell, assign, or otherwise] shall only grant a third party access to [the dental services of] a participating [provider under a health care contract unless expressly authorized by the health care contract. The health care contract shall specifically provide that one purpose of the contract is the selling, assigning, or giving the contracting entity rights to the services of the participating provider, including network plans] provider's health care services or contractual discounts provided in accordance with a contract between a participating provider and a contracting entity and only if:

(1) The contract specifically states that the contracting entity may enter into an agreement with a third party allowing the third party to obtain the contracting entity's rights and responsibilities as if the third party were the contracting entity, and the contract allows the provider to choose not to participate in third-party access at the time the contract is entered into or renewed or when there are material modifications to the contract. The third-party access provision of any provider network contract shall also specifically state that the contract grants third-party access to the provider's health care services and that the provider has the right to choose not to participate in third-party access to the contract or to enter into a contract directly with the third party. A provider's decision not to participate in third-party access shall not permit the contracting entity to cancel or otherwise end a contractual relationship with the provider. When initially contracting with a provider, a contracting entity shall accept a qualified provider even if the provider chooses not to participate in the third-party access provision;

(2) The third party accessing the contract agrees to comply with all of the contract's terms;

(3) The contracting entity identifies, in writing or electronic form to the provider, all third parties in existence as of the date the contract is entered into or renewed;

(4) The contracting entity identifies all third parties in existence in a list on its internet website that is updated at least once every ninety days;

(5) The contracting entity notifies providers that a new third party is accessing a provider network contract at least thirty days in advance of the relationship taking effect;

(6) The contracting entity notifies the third party of the termination of a provider network contract no later than thirty days from the termination date with the contracting entity;

(7) A third party's right to a provider's discounted rate ceases as of the termination date of the provider network contract;

(8) The provider is not already a participating provider of the third party; and

(9) The contracting entity makes available a copy of the provider network contract relied on in the adjudication of a claim to a participating provider within thirty days of a request from the provider.

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3. [Upon entering a contract with a participating provider and upon request by a participating provider, a contracting entity shall properly identify any third party that has been granted access to the dental services of the participating provider] No provider shall be bound by or required to perform health care services under a provider network contract that has been granted to a third party in violation of the provisions of this section.

4. A contracting entity that sells, assigns, or otherwise grants a third party access to [the dental services of] a participating [provider] provider's health care services shall maintain an internet website or a toll-free telephone number through which the participating provider may obtain information which identifies the [insurance carrier] third party to be used to reimburse the participating provider for the covered [dental] health care services.

5. A contracting entity that sells, assigns, or otherwise grants a third party access to a participating provider's [dental] health care services shall ensure that an explanation of benefits or remittance advice furnished to the participating provider that delivers [dental] health care services [under the health care contract] for the third party identifies the contractual source of any applicable discount.

6. [All third parties that have contracted with a contracting entity to purchase, be assigned, or otherwise be granted access to the participating provider's discounted rate shall comply with the participating provider's contract, including all requirements to encourage access to the participating provider, and pay the participating provider pursuant to the rates of payment and methodology set forth in that contract, unless otherwise agreed to by a participating provider.]

7. A contracting entity is deemed in compliance with this section when the insured's identification card provides information which identifies the insurance carrier to be used to reimburse the participating provider for the covered dental services] (1) The provisions of this section shall not apply if access to a provider network contract is granted to any entity operating in accordance with the same brand licensee program as the contracting entity or to any entity that is an affiliate of the contracting entity. A list of the contracting entity's affiliates shall be made available to a provider on the contracting entity's website.

(2) The provisions of this section shall not apply to a provider network contract for health care services provided to beneficiaries of any state-sponsored health insurance programs including, but not limited to, MO HealthNet and the state children's health insurance program authorized in sections 208.631 to 208.658.

579.088. FENTANYL, DEVICES TO DETECT THE PRESENCE OF PERMITTED. — Notwithstanding any other provision of this chapter or chapter 195 to the contrary, it shall not be unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances to detect the presence of fentanyl or any synthetic controlled substance fentanyl analogue.

[191.500. DEFINITIONS. – As used in sections 191.500 to 191.550, unless the context clearly indicates otherwise, the following terms mean:

(1) "Area of defined need", a community or section of an urban area of this state which is certified by the department of health and senior services as being in need of the services of a physician to improve the patient-doctor ratio in the area, to contribute professional physician services to an area of economic impact, or to contribute professional physician services to an area suffering from the effects of a natural disaster;

(2) "Department", the department of health and senior services;

(3) "Eligible student", a full-time student accepted and enrolled in a formal course of instruction leading to a degree of doctor of medicine or doctor of osteopathy, including psychiatry, at a participating school, or a doctor of dental surgery, doctor of dental medicine, or a bachelor of science degree in dental hygiene;

(4) "Financial assistance", an amount of money paid by the state of Missouri to a qualified applicant pursuant to sections 191.500 to 191.550;

(5) "Participating school", an institution of higher learning within this state which grants the degrees of doctor of medicine or doctor of osteopathy, and which is accredited in the appropriate degree program by the American Medical Association or the American Osteopathic Association, or a degree program by the American Dental Association or the American Psychiatric Association, and applicable residency programs for each degree type and discipline;

(6) "Primary care", general or family practice, internal medicine, pediatric , psychiatric, obstetric and gynecological care as provided to the general public by physicians licensed and registered pursuant to chapter 334, dental practice, or a dental hygienist licensed and registered pursuant to chapter 332;

(7) "Resident", any natural person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state;

(8) "Rural area", a town or community within this state which is not within a standard metropolitan statistical area, and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a standard metropolitan statistical area.]

[191.505. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER — MAY MAKE RULES AND REGULATIONS. — The department of health and senior services shall be the administrative agency for the implementation of the program established by sections 191.500 to 191.550. The department shall promulgate reasonable rules and regulations for the exercise of its functions in the effectuation of the purposes of sections 191.500 to 191.550. It shall prescribe the form and the time and method of filing applications and supervise the processing thereof.]

[191.510. CONTRACTS FOR LOANS TO INCLUDE TERMS. — The department shall enter into a contract with each applicant receiving a state loan under sections 191.500 to 191.550 for repayment of the principal and interest and for forgiveness of a portion thereof for participation in the service areas as provided in sections 191.500 to 191.550.]

[191.515. REQUIREMENTS FOR APPLICATION. — An eligible student may apply to the department for a loan under sections 191.500 to 191.550 only if, at the time of his application and throughout the period during which he receives the loan, he has been formally accepted as a student in a participating school in a course of study leading to the degree of doctor of medicine or doctor of osteopathy, including psychiatry, or a doctor of dental surgery, a doctor of dental medicine, or a bachelor of science degree in dental hygiene, and is a resident of this state.]

[191.520. MAXIMUM AMOUNT OF LOANS — SOURCE OF FUNDS. — No loan to any eligible student shall exceed twenty-five thousand dollars for each academic year, which shall run from August first of any year through July thirty-first of the following year. All loans shall be made from funds appropriated to the medical school loan and loan repayment program fund created by section 191.600, by the general assembly.]

[191.525. NUMBER OF LOANS AVAILABLE — TO WHOM — LENGTH OF LOANS. — No more than twenty-five loans shall be made to eligible students during the first academic year this program is in effect. Twenty-five new loans may be made for the next three academic years until a total of one hundred loans are available. At least one-half of the loans shall be made to students from rural areas as defined in section 191.500. An eligible student may receive loans for each academic year he is pursuing a course of study directly leading to a degree of doctor of medicine or doctor of osteopathy, doctor of dental surgery, or doctor of dental medicine, or a bachelor of science degree in dental hygiene.]

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Matter underscored is proposed language.

[191.530. INTEREST ON LOANS — REPAYMENT TERMS — TEMPORARY DEFERRAL. — Interest at the rate of nine and one-half percent per year shall be charged on all loans made under sections 191.500 to 191.550 but one-fourth of the interest and principal of the total loan at the time of the awarding of the degree shall be forgiven for each year of participation by an applicant in the practice of his profession in a rural area or an area of defined need. The department shall grant a deferral of interest and principal payments to a loan recipient who is pursuing an internship or a residency in primary care. The deferral shall not exceed three years. The status of each loan recipient receiving a deferral shall be reviewed annually by the department to ensure compliance with the intent of this provision. The loan recipient will repay the loan beginning with the calendar year following completion of his internship or his primary care residency in accordance with the loan contract.]

[191.535. TERMINATION OF COURSE OF STUDY, EFFECT. — If a student ceases his study prior to receiving a degree, interest at the rate specified in section 191.530 shall be charged on the amount received from the state under the provisions of sections 191.500 to 191.550.]

[191.540. REPAYMENT SCHEDULES — BREACH OF CONTRACT. — 1. The department shall establish schedules and procedures for repayment of the principal and interest of any loan made under the provisions of sections 191.500 to 191.550 and not forgiven as provided in section 191.530.

2. A penalty shall be levied against a person in breach of contract. Such penalty shall be twice the sum of the principal and the accrued interest.]

[191.545. RECOVERY — ACTIONS FOR. — When necessary to protect the interest of the state in any loan transaction under sections 191.500 to 191.550, the board may institute any action to recover any amount due.]

[191.550. APPROVAL OF CONTRACTS. — The contracts made with the participating students shall be approved by the attorney general.]

[335.212. DEFINITIONS. — As used in sections 335.212 to 335.242, the following terms mean:

- (1) "Board", the Missouri state board of nursing;
- (2) "Department", the Missouri department of health and senior services;
- (3) "Director", director of the Missouri department of health and senior services;
- (4) "Eligible student", a resident who has been accepted as a full-time student in a formal course of instruction leading to an associate degree, a diploma, a bachelor of science, a master of science in nursing (M.S.N.), a doctorate in nursing (Ph.D. or D.N.P.), or a student with a master of science in nursing seeking a doctorate in education (Ed.D.), or leading to the completion of educational requirements for a licensed practical nurse. The doctoral applicant may be a part-time student;
- (5) "Participating school", an institution within this state which is approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242, having a nursing department and offering a course of instruction based on nursing theory and clinical nursing experience;
- (6) "Qualified applicant", an eligible student approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242;
- (7) "Qualified employment", employment on a full-time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020 or in any agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section;

(8) "Resident", any person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state.]

[335.215. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAMS — ADVISORY PANEL — MEMBERS — RULES, PROCEDURE. — 1. The department of health and senior services shall be the administrative agency for the implementation of the professional and practical nursing student loan program established under sections 335.212 to 335.242, and the nursing student loan repayment program established under sections 335.245 to 335.259.

2. An advisory panel of nurses shall be appointed by the director. It shall be composed of not more than eleven members representing practical, associate degree, diploma, baccalaureate and graduate nursing education, community health, primary care, hospital, long-term care, a consumer, and the Missouri state board of nursing. The panel shall make recommendations to the director on the content of any rules, regulations or guidelines prior to their promulgation. The panel may make recommendations to the director regarding fund allocations for loans and loan repayment based on current nursing shortage needs.

3. The department of health and senior services shall promulgate reasonable rules and regulations for the exercise of its function pursuant to sections 335.212 to 335.259. It shall prescribe the form, the time and method of filing applications and supervise the proceedings thereof. No rule or portion of a rule promulgated under the authority of sections 335.212 to 335.257 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. Ninety-five percent of funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in professional nursing programs in participating schools and five percent of the funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in practical nursing programs. Priority shall be given to eligible students who have established financial need. All loan repayment funds pursuant to sections 335.245 to 335.259 shall be used to reimburse successful associate, diploma, baccalaureate or graduate professional nurse applicants' educational loans who agree to serve in areas of defined need as determined by the department.]

[335.218. NURSE LOAN REPAYMENT FUND ESTABLISHED — ADMINISTRATION. — There is hereby established the "Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund". All fees pursuant to section 335.221, general revenue appropriations to the student loan or loan repayment program, voluntary contributions to support or match the student loan and loan repayment program activities, funds collected from repayment and penalties, and funds received from the federal government shall be deposited in the state treasury and be placed to the credit of the professional and practical nursing student loan and nurse loan repayment fund. The fund shall be managed by the department of health and senior services and all administrative costs and expenses incurred as a result of the effectuation of sections 335.212 to 335.259 shall be paid from this fund.]

[335.221. EDUCATION SURCHARGE, AMOUNT, DEPOSIT IN NURSING STUDENT LOAN AND NURSE LOAN REPAYMENT FUND. — The board, in addition to any other duties it may have regarding licensure of nurses, shall collect, at the time of licensure or licensure renewal, an education surcharge from each person licensed or relicensed pursuant to sections 335.011 to 335.096, in the amount of one dollar per year for practical nurses and five dollars per year for professional nurses. These funds shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund. All expenditures authorized by sections 335.212 to 335.259 shall be paid from funds appropriated by the general assembly from the professional and practical nursing student loan and nurse loan repayment fund. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.]

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

[335.224. CONTRACTS FOR REPAYMENT OF LOANS. — The department of health and senior services shall enter into a contract with each qualified applicant receiving financial assistance under the provisions of sections 335.212 to 335.242 for repayment of the principal and interest.]

[335.227. ELIGIBILITY FOR LOAN. — An eligible student may apply to the department for financial assistance under the provisions of sections 335.212 to 335.242 if, at the time of his application for a loan, the eligible student has formally applied for acceptance at a participating school. Receipt of financial assistance is contingent upon acceptance and continued enrollment at a participating school.]

[335.230. FINANCIAL ASSISTANCE, AMOUNT. — Financial assistance to any qualified applicant shall not exceed ten thousand dollars for each academic year for a professional nursing program and shall not exceed five thousand dollars for each academic year for a practical nursing program. All financial assistance shall be made from funds credited to the professional and practical nursing student loan and nurse loan repayment fund. A qualified applicant may receive financial assistance for each academic year he remains a student in good standing at a participating school.]

[335.233. SCHEDULE FOR REPAYMENT OF LOAN — INTEREST, AMOUNT. — The department shall establish schedules for repayment of the principal and interest on any financial assistance made under the provisions of sections 335.212 to 335.242. Interest at the rate of nine and one-half percent per annum shall be charged on all financial assistance made under the provisions of sections 335.212 to 335.242, but the interest and principal of the total financial assistance granted to a qualified applicant at the time of the successful completion of a nursing degree, diploma program or a practical nursing program shall be forgiven through qualified employment.]

[335.236. REPAYMENT OF LOAN — WHEN. — The financial assistance recipient shall repay the financial assistance principal and interest beginning not more than six months after completion of the degree for which the financial assistance was made in accordance with the repayment contract. If an eligible student ceases his study prior to successful completion of a degree or graduation at a participating school, interest at the rate specified in section 335.233 shall be charged on the amount of financial assistance received from the state under the provisions of sections 335.212 to 335.242, and repayment, in accordance with the repayment contract, shall begin within ninety days of the date the financial aid recipient ceased to be an eligible student. All funds repaid by recipients of financial assistance to the department shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]

[335.239. DEFERRAL OF REPAYMENT OF LOANS — WHEN. — The department shall grant a deferral of interest and principal payments to a financial assistance recipient who is pursuing an advanced degree, special nursing program, or upon special conditions established by the department. The deferral shall not exceed four years. The status of each deferral shall be reviewed annually by the department of health and senior services to ensure compliance with the intent of this section.]

[335.242. ACTION TO RECOVER LOANS DUE. — When necessary to protect the interest of the state in any financial assistance transaction under sections 335.212 to 335.259, the department of health and senior services may institute any action to recover any amount due.]

[335.245. DEFINITIONS. — As used in sections 335.245 to 335.259, the following terms mean:

- (1) "Department", the Missouri department of health and senior services;
- (2) "Eligible applicant", a Missouri licensed nurse who has attained either an associate degree, a diploma, a bachelor of science, or graduate degree in nursing from an accredited institution approved by the board of nursing or a student nurse in the final year of a full-time baccalaureate school of nursing

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leading to a baccalaureate degree or graduate nursing program leading to a master's degree in nursing and has agreed to serve in an area of defined need as established by the department;

(3) "Participating school", an institution within this state which grants an associate degree in nursing, grants a bachelor or master of science degree in nursing or provides a diploma nursing program which is accredited by the state board of nursing, or a regionally accredited institution in this state which provides a bachelor of science completion program for registered professional nurses;

(4) "Qualified employment", employment on a full-time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020 or public or nonprofit agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section.]

[335.248. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAM — RULES AND REGULATIONS. — Sections 335.245 to 335.259 shall be known as the "Nursing Student Loan Repayment Program". The department of health and senior services shall be the administrative agency for the implementation of the authority established by sections 335.245 to 335.259. The department shall promulgate reasonable rules and regulations necessary to implement sections 335.245 to 335.259. Promulgated rules shall include, but not be limited to, applicant eligibility, selection criteria, prioritization of service obligation sites and the content of loan repayment contracts, including repayment schedules for those in default and penalties. The department shall promulgate rules regarding recruitment opportunities for minority students into nursing schools. Priority for student loan repayment shall be given to eligible applicants who have demonstrated financial need. All funds collected by the department from participants not meeting their contractual obligations to the state shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]

[335.251. LOAN REPAYMENT CONTRACT — QUALIFIED EMPLOYMENT — RECOVERY OF AMOUNTS DUE. — Upon proper verification to the department by the eligible applicant of securing qualified employment in this state, the department shall enter into a loan repayment contract with the eligible applicant to repay the interest and principal on the educational loans of the applicant to the limit of the contract, which contract shall provide for instances of less than full-time qualified employment consistent with the provisions of section 335.233, out of any appropriation made to the professional and practical nursing student loan and nurse loan repayment fund. If the applicant breaches the contract by failing to begin or complete the qualified employment, the department is entitled to recover the total of the loan repayment paid by the department plus interest on the repaid amount at the rate of nine and one-half percent per annum.]

[335.254. LAW NOT TO REQUIRE CERTAIN CONTRACTS. — Sections 335.212 to 335.259 shall not be construed to require the department to enter into contracts with individuals who qualify for nursing education loans or nursing loan repayment programs when federal, state and local funds are not available for such purposes.]

[335.257. VERIFICATION OF QUALIFIED EMPLOYMENT. — Successful applicants for whom loan payments are made under the provisions of sections 335.245 to 335.259 shall verify to the department twice each year in the manner prescribed by the department that qualified employment in this state is being maintained.]

SECTION B. EMERGENCY CLAUSE FOR CERTAIN SECTIONS. — Because of the importance of ensuring healthy pregnancies and healthy women and children in Missouri in the face of growing
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Matter underscored is proposed language.

maternal mortality and to ensure the integrity of the MO HealthNet program and because immediate action is necessary to address the shortage of health care providers in this state, the enactment of sections 191.592, 208.186, and 208.239 and the repeal and reenactment of sections 208.151 and 208.662 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be emergency acts within the meaning of the constitution, and the enactment of sections 191.592, 208.186, and 208.239 and the repeal and reenactment of sections 208.151 and 208.662 of section A of this act shall be in full force and effect upon its passage and approval.

Approved July 6, 2023

SS#2 SCS SB 49, 236, & 164

Enacts provisions relating to gender transition procedures.

AN ACT to repeal sections 208.152, 217.230, and 221.120, RSMo, and to enact in lieu thereof four new sections relating to gender transition procedures.

SECTION

- A Enacting clause.
- 191.1720 Gender transition — citation of law — definitions — under 18, no surgery or gender transition drugs — license revocation, when — civil action, when, procedure — exceptions.
- 208.152 Medical services for which payment shall be made — co-payments may be required — reimbursement for services — notification upon change in interpretation or application of reimbursement — reimbursement for behavioral, social, and psychological services for physical health issues.
- 217.230 Health care services for correctional centers.
- 221.120 Medicine and medical attention for prisoners, definitions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 208.152, 217.230, and 221.120, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 191.1720, 208.152, 217.230, and 221.120, to read as follows:

191.1720. GENDER TRANSITION — CITATION OF LAW — DEFINITIONS — UNDER 18, NO SURGERY OR GENDER TRANSITION DRUGS — LICENSE REVOCATION, WHEN — CIVIL ACTION, WHEN, PROCEDURE — EXCEPTIONS. — 1. This section shall be known and may be cited as the "Missouri Save Adolescents from Experimentation (SAFE) Act".

2. For purposes of this section, the following terms mean:

(1) "Biological sex", the biological indication of male or female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender;

(2) "Cross-sex hormones", testosterone, estrogen, or other androgens given to an individual in amounts that are greater or more potent than would normally occur naturally in a healthy individual of the same age and sex;

(3) "Gender", the psychological, behavioral, social, and cultural aspects of being male or female;

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(4) "Gender transition", the process in which an individual transitions from identifying with and living as a gender that corresponds to his or her biological sex to identifying with and living as a gender different from his or her biological sex, and may involve social, legal, or physical changes;

(5) "Gender transition surgery", a surgical procedure performed for the purpose of assisting an individual with a gender transition, including, but not limited to:

(a) Surgical procedures that sterilize, including, but not limited to, castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, or penectomy;

(b) Surgical procedures that artificially construct tissue with the appearance of genitalia that differs from the individual's biological sex, including, but not limited to, metoidioplasty, phalloplasty, or vaginoplasty; or

(c) Augmentation mammoplasty or subcutaneous mastectomy;

(6) "Health care provider", an individual who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession;

(7) "Puberty-blocking drugs", gonadotropin-releasing hormone analogues or other synthetic drugs used to stop luteinizing hormone secretion and follicle stimulating hormone secretion, synthetic antiandrogen drugs to block the androgen receptor, or any other drug used to delay or suppress pubertal development in children for the purpose of assisting an individual with a gender transition.

3. A health care provider shall not knowingly perform a gender transition surgery on any individual under eighteen years of age.

4. (1) A health care provider shall not knowingly prescribe or administer cross-sex hormones or puberty-blocking drugs for the purpose of a gender transition for any individual under eighteen years of age.

(2) The provisions of this subsection shall not apply to the prescription or administration of cross-sex hormones or puberty-blocking drugs for any individual under eighteen years of age who was prescribed or administered such hormones or drugs prior to August 28, 2023, for the purpose of assisting the individual with a gender transition.

(3) The provisions of this subsection shall expire on August 28, 2027.

5. The performance of a gender transition surgery or the prescription or administration of cross-sex hormones or puberty-blocking drugs to an individual under eighteen years of age in violation of this section shall be considered unprofessional conduct and any health care provider doing so shall have his or her license to practice revoked by the appropriate licensing entity or disciplinary review board with competent jurisdiction in this state.

6. (1) The prescription or administration of cross-sex hormones or puberty-blocking drugs to an individual under eighteen years of age for the purpose of a gender transition shall be considered grounds for a cause of action against the health care provider. The provisions of chapter 538 shall not apply to any action brought under this subsection.

(2) An action brought pursuant to this subsection shall be brought within fifteen years of the individual injured attaining the age of twenty-one or of the date the treatment of the injury at issue in the action by the defendant has ceased, whichever is later.

(3) An individual bringing an action under this subsection shall be entitled to a rebuttable presumption that the individual was harmed if the individual is infertile following the prescription or administration of cross-sex hormones or puberty-blocking drugs and that the harm was a direct result of the hormones or drugs prescribed or administered by the health care provider. Such presumption may be rebutted only by clear and convincing evidence.

(4) In any action brought pursuant to this subsection, a plaintiff may recover economic and noneconomic damages and punitive damages, without limitation to the amount and no less than five hundred thousand dollars in the aggregate. The judgment against a defendant in an action brought pursuant to this subsection shall be in an amount of three times the amount of any economic and

noneconomic damages or punitive damages assessed. Any award of damages in an action brought pursuant to this subsection to a prevailing plaintiff shall include attorney's fees and court costs.

(5) An action brought pursuant to this subsection may be brought in any circuit court of this state.

(6) No health care provider shall require a waiver of the right to bring an action pursuant to this subsection as a condition of services. The right to bring an action by or through an individual under the age of eighteen shall not be waived by a parent or legal guardian.

(7) A plaintiff to an action brought under this subsection may enter into a voluntary agreement of settlement or compromise of the action, but no agreement shall be valid until approved by the court. No agreement allowed by the court shall include a provision regarding the nondisclosure or confidentiality of the terms of such agreement unless such provision was specifically requested and agreed to by the plaintiff.

(8) If requested by the plaintiff, any pleadings, attachments, or exhibits filed with the court in any action brought pursuant to this subsection, as well as any judgments issued by the court in such actions, shall not include the personal identifying information of the plaintiff. Such information shall be provided in a confidential information filing sheet contemporaneously filed with the court or entered by the court, which shall not be subject to public inspection or availability.

7. The provisions of this section shall not apply to any speech protected by the First Amendment of the United States Constitution.

8. The provisions of this section shall not apply to the following:

(1) Services to individuals born with a medically-verifiable disorder of sex development, including, but not limited to, an individual with external biological sex characteristics that are irresolvably ambiguous, such as those born with 46,XX chromosomes with virilization, 46,XY chromosomes with undervirilization, or having both ovarian and testicular tissue;

(2) Services provided when a physician has otherwise diagnosed an individual with a disorder of sex development and determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action;

(3) The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition surgery or the prescription or administration of cross-sex hormones or puberty-blocking drugs regardless of whether the surgery was performed or the hormones or drugs were prescribed or administered in accordance with state and federal law; or

(4) Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the individual in imminent danger of death or impairment of a major bodily function unless surgery is performed.

208.152. MEDICAL SERVICES FOR WHICH PAYMENT SHALL BE MADE — CO-PAYMENTS MAY BE REQUIRED — REIMBURSEMENT FOR SERVICES — NOTIFICATION UPON CHANGE IN INTERPRETATION OR APPLICATION OF REIMBURSEMENT — REIMBURSEMENT FOR BEHAVIORAL, SOCIAL, AND PSYCHOLOGICAL SERVICES FOR PHYSICAL HEALTH ISSUES. — 1. MO HealthNet payments shall be made on behalf of those eligible needy persons as described in section 208.151 who are unable to provide for it in whole or in part, with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Inpatient hospital services, except to persons in an institution for mental diseases who are under the age of sixty-five years and over the age of twenty-one years; provided that the MO HealthNet division shall provide through rule and regulation an exception process for coverage of inpatient costs in those cases requiring treatment beyond the seventy-fifth percentile professional activities study (PAS) or the MO HealthNet children's diagnosis length-of-stay schedule; and provided further that the MO HealthNet division shall take into account through its payment system for hospital services the situation of hospitals which serve a disproportionate number of low-income patients;

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(2) All outpatient hospital services, payments therefor to be in amounts which represent no more than eighty percent of the lesser of reasonable costs or customary charges for such services, determined in accordance with the principles set forth in Title XVIII A and B, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.), but the MO HealthNet division may evaluate outpatient hospital services rendered under this section and deny payment for services which are determined by the MO HealthNet division not to be medically necessary, in accordance with federal law and regulations;

(3) Laboratory and X-ray services;

(4) Nursing home services for participants, except to persons with more than five hundred thousand dollars equity in their home or except for persons in an institution for mental diseases who are under the age of sixty-five years, when residing in a hospital licensed by the department of health and senior services or a nursing home licensed by the department of health and senior services or appropriate licensing authority of other states or government-owned and -operated institutions which are determined to conform to standards equivalent to licensing requirements in Title XIX of the federal Social Security Act (42 U.S.C. Section 301, et seq.), as amended, for nursing facilities. The MO HealthNet division may recognize through its payment methodology for nursing facilities those nursing facilities which serve a high volume of MO HealthNet patients. The MO HealthNet division when determining the amount of the benefit payments to be made on behalf of persons under the age of twenty-one in a nursing facility may consider nursing facilities furnishing care to persons under the age of twenty-one as a classification separate from other nursing facilities;

(5) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection for those days, which shall not exceed twelve per any period of six consecutive months, during which the participant is on a temporary leave of absence from the hospital or nursing home, provided that no such participant shall be allowed a temporary leave of absence unless it is specifically provided for in his plan of care. As used in this subdivision, the term "temporary leave of absence" shall include all periods of time during which a participant is away from the hospital or nursing home overnight because he is visiting a friend or relative;

(6) Physicians' services, whether furnished in the office, home, hospital, nursing home, or elsewhere;

(7) Subject to appropriation, up to twenty visits per year for services limited to examinations, diagnoses, adjustments, and manipulations and treatments of malpositioned articulations and structures of the body provided by licensed chiropractic physicians practicing within their scope of practice. Nothing in this subdivision shall be interpreted to otherwise expand MO HealthNet services;

(8) Drugs and medicines when prescribed by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse; except that no payment for drugs and medicines prescribed on and after January 1, 2006, by a licensed physician, dentist, podiatrist, or an advanced practice registered nurse may be made on behalf of any person who qualifies for prescription drug coverage under the provisions of P.L. 108-173;

(9) Emergency ambulance services and, effective January 1, 1990, medically necessary transportation to scheduled, physician-prescribed nonelective treatments;

(10) Early and periodic screening and diagnosis of individuals who are under the age of twenty-one to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Such services shall be provided in accordance with the provisions of Section 6403 of P.L. 101-239 and federal regulations promulgated thereunder;

(11) Home health care services;

(12) Family planning as defined by federal rules and regulations; provided, however, that such family planning services shall not include abortions or any abortifacient drug or device that is used for the purpose of inducing an abortion unless such abortions are certified in writing by a physician to the

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MO HealthNet agency that, in the physician's professional judgment, the life of the mother would be endangered if the fetus were carried to term;

(13) Inpatient psychiatric hospital services for individuals under age twenty-one as defined in Title XIX of the federal Social Security Act (42 U.S.C. Section 1396d, et seq.);

(14) Outpatient surgical procedures, including presurgical diagnostic services performed in ambulatory surgical facilities which are licensed by the department of health and senior services of the state of Missouri; except, that such outpatient surgical services shall not include persons who are eligible for coverage under Part B of Title XVIII, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended, if exclusion of such persons is permitted under Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act, as amended;

(15) Personal care services which are medically oriented tasks having to do with a person's physical requirements, as opposed to housekeeping requirements, which enable a person to be treated by his or her physician on an outpatient rather than on an inpatient or residential basis in a hospital, intermediate care facility, or skilled nursing facility. Personal care services shall be rendered by an individual not a member of the participant's family who is qualified to provide such services where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a licensed nurse. Persons eligible to receive personal care services shall be those persons who would otherwise require placement in a hospital, intermediate care facility, or skilled nursing facility. Benefits payable for personal care services shall not exceed for any one participant one hundred percent of the average statewide charge for care and treatment in an intermediate care facility for a comparable period of time. Such services, when delivered in a residential care facility or assisted living facility licensed under chapter 198 shall be authorized on a tier level based on the services the resident requires and the frequency of the services. A resident of such facility who qualifies for assistance under section 208.030 shall, at a minimum, if prescribed by a physician, qualify for the tier level with the fewest services. The rate paid to providers for each tier of service shall be set subject to appropriations. Subject to appropriations, each resident of such facility who qualifies for assistance under section 208.030 and meets the level of care required in this section shall, at a minimum, if prescribed by a physician, be authorized up to one hour of personal care services per day. Authorized units of personal care services shall not be reduced or tier level lowered unless an order approving such reduction or lowering is obtained from the resident's personal physician. Such authorized units of personal care services or tier level shall be transferred with such resident if he or she transfers to another such facility. Such provision shall terminate upon receipt of relevant waivers from the federal Department of Health and Human Services. If the Centers for Medicare and Medicaid Services determines that such provision does not comply with the state plan, this provision shall be null and void. The MO HealthNet division shall notify the revisor of statutes as to whether the relevant waivers are approved or a determination of noncompliance is made;

(16) Mental health services. The state plan for providing medical assistance under Title XIX of the Social Security Act, 42 U.S.C. Section 301, as amended, shall include the following mental health services when such services are provided by community mental health facilities operated by the department of mental health or designated by the department of mental health as a community mental health facility or as an alcohol and drug abuse facility or as a child-serving agency within the comprehensive children's mental health service system established in section 630.097. The department of mental health shall establish by administrative rule the definition and criteria for designation as a community mental health facility and for designation as an alcohol and drug abuse facility. Such mental health services shall include:

(a) Outpatient mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

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Matter underscored is proposed language.

(b) Clinic mental health services including preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management;

(c) Rehabilitative mental health and alcohol and drug abuse services including home and community-based preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health or alcohol and drug abuse professional in accordance with a plan of treatment appropriately established, implemented, monitored, and revised under the auspices of a therapeutic team as a part of client services management. As used in this section, mental health professional and alcohol and drug abuse professional shall be defined by the department of mental health pursuant to duly promulgated rules. With respect to services established by this subdivision, the department of social services, MO HealthNet division, shall enter into an agreement with the department of mental health. Matching funds for outpatient mental health services, clinic mental health services, and rehabilitation services for mental health and alcohol and drug abuse shall be certified by the department of mental health to the MO HealthNet division. The agreement shall establish a mechanism for the joint implementation of the provisions of this subdivision. In addition, the agreement shall establish a mechanism by which rates for services may be jointly developed;

(17) Such additional services as defined by the MO HealthNet division to be furnished under waivers of federal statutory requirements as provided for and authorized by the federal Social Security Act (42 U.S.C. Section 301, et seq.) subject to appropriation by the general assembly;

(18) The services of an advanced practice registered nurse with a collaborative practice agreement to the extent that such services are provided in accordance with chapters 334 and 335, and regulations promulgated thereunder;

(19) Nursing home costs for participants receiving benefit payments under subdivision (4) of this subsection to reserve a bed for the participant in the nursing home during the time that the participant is absent due to admission to a hospital for services which cannot be performed on an outpatient basis, subject to the provisions of this subdivision:

(a) The provisions of this subdivision shall apply only if:

a. The occupancy rate of the nursing home is at or above ninety-seven percent of MO HealthNet certified licensed beds, according to the most recent quarterly census provided to the department of health and senior services which was taken prior to when the participant is admitted to the hospital; and

b. The patient is admitted to a hospital for a medical condition with an anticipated stay of three days or less;

(b) The payment to be made under this subdivision shall be provided for a maximum of three days per hospital stay;

(c) For each day that nursing home costs are paid on behalf of a participant under this subdivision during any period of six consecutive months such participant shall, during the same period of six consecutive months, be ineligible for payment of nursing home costs of two otherwise available temporary leave of absence days provided under subdivision (5) of this subsection; and

(d) The provisions of this subdivision shall not apply unless the nursing home receives notice from the participant or the participant's responsible party that the participant intends to return to the nursing home following the hospital stay. If the nursing home receives such notification and all other provisions of this subsection have been satisfied, the nursing home shall provide notice to the participant or the participant's responsible party prior to release of the reserved bed;

(20) Prescribed medically necessary durable medical equipment. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(21) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(22) Prescribed medically necessary dental services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(23) Prescribed medically necessary optometric services. Such services shall be subject to appropriations. An electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards shall be used to verify medical need;

(24) Blood clotting products-related services. For persons diagnosed with a bleeding disorder, as defined in section 338.400, reliant on blood clotting products, as defined in section 338.400, such services include:

(a) Home delivery of blood clotting products and ancillary infusion equipment and supplies, including the emergency deliveries of the product when medically necessary;

(b) Medically necessary ancillary infusion equipment and supplies required to administer the blood clotting products; and

(c) Assessments conducted in the participant's home by a pharmacist, nurse, or local home health care agency trained in bleeding disorders when deemed necessary by the participant's treating physician;

(25) The MO HealthNet division shall, by January 1, 2008, and annually thereafter, report the status of MO HealthNet provider reimbursement rates as compared to one hundred percent of the Medicare reimbursement rates and compared to the average dental reimbursement rates paid by third-party payors licensed by the state. The MO HealthNet division shall, by July 1, 2008, provide to the general assembly a four-year plan to achieve parity with Medicare reimbursement rates and for third-party payor average dental reimbursement rates. Such plan shall be subject to appropriation and the division shall include in its annual budget request to the governor the necessary funding needed to complete the four-year plan developed under this subdivision.

2. Additional benefit payments for medical assistance shall be made on behalf of those eligible needy children, pregnant women and blind persons with any payments to be made on the basis of the reasonable cost of the care or reasonable charge for the services as defined and determined by the MO HealthNet division, unless otherwise hereinafter provided, for the following:

(1) Dental services;

(2) Services of podiatrists as defined in section 330.010;

(3) Optometric services as described in section 336.010;

(4) Orthopedic devices or other prosthetics, including eye glasses, dentures, hearing aids, and wheelchairs;

(5) Hospice care. As used in this subdivision, the term "hospice care" means a coordinated program of active professional medical attention within a home, outpatient and inpatient care which treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social, and economic stresses which are

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experienced during the final stages of illness, and during dying and bereavement and meets the Medicare requirements for participation as a hospice as are provided in 42 CFR Part 418. The rate of reimbursement paid by the MO HealthNet division to the hospice provider for room and board furnished by a nursing home to an eligible hospice patient shall not be less than ninety-five percent of the rate of reimbursement which would have been paid for facility services in that nursing home facility for that patient, in accordance with subsection (c) of Section 6408 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989);

(6) Comprehensive day rehabilitation services beginning early posttrauma as part of a coordinated system of care for individuals with disabling impairments. Rehabilitation services must be based on an individualized, goal-oriented, comprehensive and coordinated treatment plan developed, implemented, and monitored through an interdisciplinary assessment designed to restore an individual to optimal level of physical, cognitive, and behavioral function. The MO HealthNet division shall establish by administrative rule the definition and criteria for designation of a comprehensive day rehabilitation service facility, benefit limitations and payment mechanism. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subdivision shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

3. The MO HealthNet division may require any participant receiving MO HealthNet benefits to pay part of the charge or cost until July 1, 2008, and an additional payment after July 1, 2008, as defined by rule duly promulgated by the MO HealthNet division, for all covered services except for those services covered under subdivisions (15) and (16) of subsection 1 of this section and sections 208.631 to 208.657 to the extent and in the manner authorized by Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) and regulations thereunder. When substitution of a generic drug is permitted by the prescriber according to section 338.056, and a generic drug is substituted for a name-brand drug, the MO HealthNet division may not lower or delete the requirement to make a co-payment pursuant to regulations of Title XIX of the federal Social Security Act. A provider of goods or services described under this section must collect from all participants the additional payment that may be required by the MO HealthNet division under authority granted herein, if the division exercises that authority, to remain eligible as a provider. Any payments made by participants under this section shall be in addition to and not in lieu of payments made by the state for goods or services described herein except the participant portion of the pharmacy professional dispensing fee shall be in addition to and not in lieu of payments to pharmacists. A provider may collect the co-payment at the time a service is provided or at a later date. A provider shall not refuse to provide a service if a participant is unable to pay a required payment. If it is the routine business practice of a provider to terminate future services to an individual with an unclaimed debt, the provider may include uncollected co-payments under this practice. Providers who elect not to undertake the provision of services based on a history of bad debt shall give participants advance notice and a reasonable opportunity for payment. A provider, representative, employee, independent contractor, or agent of a pharmaceutical manufacturer shall not make co-payment for a participant. This subsection shall not apply to other qualified children, pregnant women, or blind persons. If the Centers for Medicare and Medicaid Services does not approve the MO HealthNet state plan amendment submitted by the department of social services that would allow a provider to deny future services to an individual with uncollected co-payments, the denial of services shall not be allowed. The department of social services shall inform providers regarding the acceptability of denying services as the result of unpaid co-payments.

4. The MO HealthNet division shall have the right to collect medication samples from participants in order to maintain program integrity.

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5. Reimbursement for obstetrical and pediatric services under subdivision (6) of subsection 1 of this section shall be timely and sufficient to enlist enough health care providers so that care and services are available under the state plan for MO HealthNet benefits at least to the extent that such care and services are available to the general population in the geographic area, as required under subparagraph (a)(30)(A) of 42 U.S.C. Section 1396a and federal regulations promulgated thereunder.

6. Beginning July 1, 1990, reimbursement for services rendered in federally funded health centers shall be in accordance with the provisions of subsection 6402(c) and Section 6404 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) and federal regulations promulgated thereunder.

7. Beginning July 1, 1990, the department of social services shall provide notification and referral of children below age five, and pregnant, breast-feeding, or postpartum women who are determined to be eligible for MO HealthNet benefits under section 208.151 to the special supplemental food programs for women, infants and children administered by the department of health and senior services. Such notification and referral shall conform to the requirements of Section 6406 of P.L. 101-239 and regulations promulgated thereunder.

8. Providers of long-term care services shall be reimbursed for their costs in accordance with the provisions of Section 1902 (a)(13)(A) of the Social Security Act, 42 U.S.C. Section 1396a, as amended, and regulations promulgated thereunder.

9. Reimbursement rates to long-term care providers with respect to a total change in ownership, at arm's length, for any facility previously licensed and certified for participation in the MO HealthNet program shall not increase payments in excess of the increase that would result from the application of Section 1902 (a)(13)(C) of the Social Security Act, 42 U.S.C. Section 1396a (a)(13)(C).

10. The MO HealthNet division may enroll qualified residential care facilities and assisted living facilities, as defined in chapter 198, as MO HealthNet personal care providers.

11. Any income earned by individuals eligible for certified extended employment at a sheltered workshop under chapter 178 shall not be considered as income for purposes of determining eligibility under this section.

12. If the Missouri Medicaid audit and compliance unit changes any interpretation or application of the requirements for reimbursement for MO HealthNet services from the interpretation or application that has been applied previously by the state in any audit of a MO HealthNet provider, the Missouri Medicaid audit and compliance unit shall notify all affected MO HealthNet providers five business days before such change shall take effect. Failure of the Missouri Medicaid audit and compliance unit to notify a provider of such change shall entitle the provider to continue to receive and retain reimbursement until such notification is provided and shall waive any liability of such provider for recoupment or other loss of any payments previously made prior to the five business days after such notice has been sent. Each provider shall provide the Missouri Medicaid audit and compliance unit a valid email address and shall agree to receive communications electronically. The notification required under this section shall be delivered in writing by the United States Postal Service or electronic mail to each provider.

13. Nothing in this section shall be construed to abrogate or limit the department's statutory requirement to promulgate rules under chapter 536.

14. Beginning July 1, 2016, and subject to appropriations, providers of behavioral, social, and psychophysiological services for the prevention, treatment, or management of physical health problems shall be reimbursed utilizing the behavior assessment and intervention reimbursement codes 96150 to 96154 or their successor codes under the Current Procedural Terminology (CPT) coding system. Providers eligible for such reimbursement shall include psychologists.

15. There shall be no payments made under this section for gender transition surgeries, cross-sex hormones, or puberty-blocking drugs, as such terms are defined in section 191.1720, for the purpose of a gender transition.

217.230. HEALTH CARE SERVICES FOR CORRECTIONAL CENTERS. — The director shall arrange for necessary health care services for offenders confined in correctional centers, which shall not include any gender transition surgery, as defined in section 191.1720.

221.120. MEDICINE AND MEDICAL ATTENTION FOR PRISONERS, DEFINITIONS. — 1. If any prisoner confined in the county jail is sick and in the judgment of the jailer, requires the attention of a physician, dental care, or medicine, the jailer shall procure the necessary medicine, dental care or medical attention necessary or proper to maintain the health of the prisoner; provided, that this shall not include any gender transition surgery, as defined in section 191.1720. The costs of such medicine, dental care, or medical attention shall be paid by the prisoner through any health insurance policy as defined in subsection 3 of this section, from which the prisoner is eligible to receive benefits. If the prisoner is not eligible for such health insurance benefits then the prisoner shall be liable for the payment of such medical attention, dental care, or medicine, and the assets of such prisoner may be subject to levy and execution under court order to satisfy such expenses in accordance with the provisions of section 221.070, and any other applicable law. The county commission of the county may at times authorize payment of certain medical costs that the county commission determines to be necessary and reasonable. As used in this section, the term "medical costs" includes the actual costs of medicine, dental care or other medical attention and necessary costs associated with such medical care such as transportation, guards and inpatient care.

2. The county commission may, in their discretion, employ a physician by the year, to attend such prisoners, and make such reasonable charge for his service and medicine, when required, to be taxed and collected as provided by law.

3. As used in this section, the following terms mean:

(1) "Assets", property, tangible or intangible, real or personal, belonging to or due a prisoner or a former prisoner, including income or payments to such prisoner from Social Security, workers' compensation, veterans' compensation, pension benefits, previously earned salary or wages, bonuses, annuities, retirement benefits, compensation paid to the prisoner per work or services performed while a prisoner or from any other source whatsoever, including any of the following:

(a) Money or other tangible assets received by the prisoner as a result of a settlement of a claim against the state, any agency thereof, or any claim against an employee or independent contractor arising from and in the scope of the employee's or contractor's official duties on behalf of the state or any agency thereof;

(b) A money judgment received by the prisoner from the state as a result of a civil action in which the state, an agency thereof or any state employee or independent contractor where such judgment arose from a claim arising from the conduct of official duties on behalf of the state by the employee or subcontractor or for any agency of the state;

(c) A current stream of income from any source whatsoever, including a salary, wages, disability benefits, retirement benefits, pension benefits, insurance or annuity benefits, or similar payments; and

(2) "Health insurance policy", any group insurance policy providing coverage on an expense-incurred basis, any group service or indemnity contract issued by a not-for-profit health services corporation or any self-insured group health benefit plan of any type or description.

Approved June 7, 2023

SS SB 51

Enacts provisions relating to the scope of practice for physical therapists.

AN ACT to repeal sections 334.100, 334.506, and 334.613, RSMo, and to enact in lieu thereof three new sections relating to the scope of practice for physical therapists.

SECTION

- A Enacting clause.
- 334.100 Denial, revocation or suspension of license, alternatives, grounds for — reinstatement provisions.
- 334.506 Physical therapists may provide certain services without prescription or direction of an approved health care provider, when — limitations.
- 334.613 Refusal to issue or renew a license, procedure — complaint may be filed, when, requirements for proceedings on — disciplinary action authorized.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 334.100, 334.506, and 334.613, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 334.100, 334.506, and 334.613, to read as follows:

334.100. DENIAL, REVOCATION OR SUSPENSION OF LICENSE, ALTERNATIVES, GROUNDS FOR — REINSTATEMENT PROVISIONS. — 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

- (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;
- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated

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pursuant to this chapter, for any offense involving fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

(f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

(g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination including failing to establish a valid physician-patient relationship pursuant to section 334.108, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

(i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;

(j) Being listed on any state or federal sexual offender registry;

(k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(l) Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;

(m) Failure of any applicant or licensee to cooperate with the board during any investigation;

(n) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(o) Failure to timely pay license renewal fees specified in this chapter;

(p) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;

(q) Failing to inform the board of the physician's current residence and business address;

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(r) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;

(s) Any other conduct that is unethical or unprofessional involving a minor;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of the drug laws or rules and regulations of this state, including but not limited to any provision of chapter 195, any other state, or the federal government;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;

(15) Knowingly making a false statement, orally or in writing to the board;

(16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;

(17) Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(18) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(19) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

(20) Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or[, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] evaluating or treating a patient in a manner inconsistent with section 334.506;

(21) Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

(22) Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

(23) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

(24) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program;

(26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or voluntary termination of a controlled substance authority while under investigation;

(27) For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

8. The act of lawfully dispensing, prescribing, administering, or otherwise distributing ivermectin tablets or hydroxychloroquine sulfate tablets for human use shall not be grounds for denial, suspension, revocation, or other disciplinary action by the board.

334.506. PHYSICAL THERAPISTS MAY PROVIDE CERTAIN SERVICES WITHOUT PRESCRIPTION OR DIRECTION OF AN APPROVED HEALTH CARE PROVIDER, WHEN — LIMITATIONS. — 1. As used in this section, the following terms mean:

(1) "Approved health care provider" ~~[means]~~, a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing;

(2) "Consult" or "consultation", communication by telephone, by fax, in writing, or in person with the patient's personally approved licensed health care provider or a licensed health care provider of the patient's designation.

2. A physical therapist ~~[shall not]~~ may evaluate and initiate treatment ~~[for a new injury or illness]~~ on a patient without a prescription or referral from an approved health care provider, provided that the physical therapist has a doctorate of physical therapy degree or has five years of clinical practice as a physical therapist.

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs ~~[for asymptomatic persons]~~, or provide screening or consultative services within the scope of physical therapy practice without ~~[the]~~ a prescription ~~[and direction of]~~ or referral from an approved health care provider.

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4. [A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self-limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The physical therapist shall:]

(1) [Contact the patient's current approved health care provider within seven days of initiating physical therapy services under this subsection;] A physical therapist shall refer to an approved health care provider any patient whose condition at the time of evaluation or treatment is determined to be beyond the scope of practice of physical therapy. The physical therapist shall not provide physical therapy services or treatment after this referral has been made.

(2) [Not change an existing physical therapy referral available to the physical therapist without approval of the patient's current approved health care provider;] A physical therapist shall refer to an approved health care provider any patient who does not demonstrate measurable or functional improvement after ten visits or thirty days, whichever occurs first. The physical therapist shall not provide further therapy services or treatment after this referral has been made.

(3) [Refer to an approved health care provider any patient whose medical condition at the time of examination or treatment is determined to be beyond the scope of practice of physical therapy;]

(4) Refer to an approved health care provider any patient whose condition for which physical therapy services are rendered under this subsection has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever first occurs;

(5) Notify the patient's current approved health care provider prior to the continuation of treatment if treatment rendered under this subsection is to continue beyond thirty days. The physical therapist shall provide such notification for each successive period of thirty days.]

(a) A physical therapist shall consult with an approved health care provider if, after every ten visits or thirty days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the course of physical therapy services or treatment provided and the physical therapist believes that continuation of the course of physical therapy services or treatment is reasonable and necessary based on the physical therapist's evaluation of the patient. The physical therapist shall not provide further physical therapy services or treatment until the consultation has occurred.

(b) The consultation with the approved health care provider shall include information concerning:

a. The patient's condition for which physical therapy services or treatments were provided;

b. The basis for the course of services or treatment indicated, as determined from the physical therapy evaluation of the patient;

c. The physical therapy services or treatment provided before the date of the consultation;

d. The patient's demonstrated measurable or functional improvement from the services or treatment provided before the date of the consultation;

e. The continuing physical therapy services or treatment proposed to be provided following the consultation; and

f. The professional physical therapy basis for the continued physical therapy services or treatment to be provided.

(c) Continued physical therapy services or treatment following the consultation with and approval by an approved health care provider shall proceed in accordance with any feedback, advice, opinion, or direction of the approved health care provider. The physical therapist shall notify the consulting approved health care provider of continuing physical therapy services or treatment and the patient's progress at least every ten visits or thirty days after the initial consultation unless the consulting approved health care provider directs otherwise.

5. The provision of physical therapy services of evaluation and screening pursuant to this section shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy

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treatment. [Physical therapy treatment provided pursuant to the provisions of subsection 4 of this section may be delegated by physical therapists to physical therapist assistants only if the patient's current approved health care provider has been so informed as part of the physical therapist's seven-day notification upon reinitiation of physical therapy services as required in subsection 4 of this section.] Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of an approved health care provider. Nothing in this subsection shall prohibit an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission on Accreditation in Physical Therapy Education (CAPTE) who satisfies supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry-level person shall be under the supervision of a physical therapist.

334.613. REFUSAL TO ISSUE OR RENEW A LICENSE, PROCEDURE — COMPLAINT MAY BE FILED, WHEN, REQUIREMENTS FOR PROCEEDINGS ON — DISCIPLINARY ACTION AUTHORIZED.

— 1. The board may refuse to issue or renew a license to practice as a physical therapist or physical therapist assistant for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew a license to practice as a physical therapist or physical therapist assistant, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment or services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;

(f) Performing services which have been declared by board rule to be of no physical therapy value;

(g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;

(h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;

(i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;

(j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;

(l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;

(m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(n) Failure to timely pay license renewal fees specified in this chapter;

(o) Violating a probation agreement with this board or any other licensing agency;

(p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;

(q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the

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purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;

(7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or allowing any person to use his or her license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;

(12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or~~or~~, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or

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Matter underscored is proposed language.

any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] evaluating or treating a patient in a manner inconsistent with section 334.506;

(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under section 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

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(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

Approved April 27, 2023

SB 63

Enacts provisions relating to financial institutions.

AN ACT to amend chapter 362, RSMo, by adding thereto one new section relating to financial institutions.

SECTION

A Enacting clause.

362.034 Marijuana facilities, request for certain agencies to share information with banking institutions — procedure.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 362, RSMo, is amended by adding thereto one new section, to be known as section 362.034, to read as follows:

362.034. MARIJUANA FACILITIES, REQUEST FOR CERTAIN AGENCIES TO SHARE INFORMATION WITH BANKING INSTITUTIONS — PROCEDURE. — 1. Any entity that operates as a facility licensed or certified under Article XIV of the Constitution of Missouri may request in writing that a state or local licensing authority or agency, including, but not limited to, the department of health and senior services or department of revenue, share the entity's application, license, or other regulatory and financial information with a banking institution. A state or local licensing authority or agency may also share such information with the banking institution's state and federal supervisory agencies.

2. In order to ensure the state or local licensing authority or agency is properly maintaining the confidentiality of individualized data, information, or records, an entity shall include in the written request a waiver giving authorization for the transfer of the individualized data, information, or records and waiving any confidentiality or privilege that applies to that individualized data, information, or records.

3. This section shall only apply to the disclosure of information by a state or local licensing authority or agency reasonably necessary to facilitate the provision of financial services by a banking institution to the entity making a request pursuant to this section.

4. The recipient of any information pursuant to this section shall treat such information as confidential and use it only for the purposes described in this section.

5. Nothing in this section shall be construed to authorize the disclosure of confidential or privileged information, nor waive an entity's rights to assert confidentiality or privilege, except as reasonably necessary to facilitate the provision of financial services for the entity making the request.

6. An entity that has provided a waiver pursuant to this section may withdraw the waiver with thirty days' notice in writing.

7. Nothing in this section shall be construed to modify the requirements of chapter 610.

8. For purposes of this section, the following terms mean:

(1) "Banking institution", the same meaning as in Article IV, Section 15 of the Missouri Constitution;

(2) "Entity", the same meaning as in Article XIV of the Missouri Constitution.

Approved July 6, 2023

HCS SS SCS SB 70

Enacts provisions relating to professions requiring licensure, with existing penalty provisions.

AN ACT to repeal sections 190.255, 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 195.070, 195.100, 195.206, 324.520, 334.036, 334.043, 334.100, 334.104, 334.506, 334.613, 334.735, 334.747, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 337.510, 337.615, 337.644, and 337.665, RSMo, and section 192.530 as truly agreed to and finally passed by senate substitute for house bill no. 402, one hundred second general assembly, first regular session, and to enact in lieu thereof eighty new sections relating to professions requiring licensure, with existing penalty provisions.

SECTION

- A Enacting clause.
- 190.255 Opioid overdose drugs and devices, first responder may administer, when — definition.
- 191.430 Program established, purpose — department duties.
- 191.435 Need for health care areas to be designated.
- 191.440 Contracts for forgivable loans, contents — practice sites, stipulation of.
- 191.445 Fund created, use of moneys.
- 191.450 Failure to maintain acceptable employment status, liable for loan amount — recovery amount.
- 191.600 Loan repayment program established — health professional student loan repayment program fund established — use.
- 191.828 Evaluations, effect of initiatives.
- 191.831 Health initiatives fund established, use — Alt-care pilot program, components — participation may be required.
- 192.530 Nonopioid directive form — definitions — requirements.
- 195.070 Prescriptive authority.
- 195.100 Labeling requirements.
- 195.206 Opioid antagonist or addiction mitigation medicine, sale and dispensing of by pharmacists, possession of — administration of, contacting emergency personnel — immunity from liability, when.
- 324.520 Definitions — tattooing, branding, body piercing, prohibited, when, penalty.
- 334.036 Assistant physicians — definitions — limitation on practice — licensure, rulemaking authority — collaborative practice arrangements — insurance reimbursement.
- 334.043 Reciprocity — definitions — procedure — fees.
- 334.100 Denial, revocation or suspension of license, alternatives, grounds for — reinstatement provisions.
- 334.104 Collaborative practice arrangements, form, contents, delegation of authority — rules, approval, restrictions — disciplinary actions — notice of collaborative practice or physician assistant agreements to board, when — certain nurses may provide anesthesia services, when — contract limitations.
- 334.506 Physical therapists may provide certain services without prescription or direction of an approved health care provider, when — limitations.
- 334.613 Refusal to issue or renew a license, procedure — complaint may be filed, when, requirements for proceedings on — disciplinary action authorized.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 334.735 Definitions — scope of practice — prohibited activities — board of healing arts to administer licensing program — duties and liability of physicians — collaborative practice arrangement requirements.
- 334.747 Prescribing controlled substances authorized, when — collaborating physicians — certification.
- 334.1600 Citation of law.
- 334.1605 Purpose.
- 334.1610 Definitions.
- 334.1615 Eligibility.
- 334.1620 Designation of state of principal license.
- 334.1625 Application and issuance of expedited licensure.
- 334.1630 Fees for expedited licensure.
- 334.1635 Renewal and continued participation.
- 334.1640 Coordinated information system.
- 334.1645 Joint investigations.
- 334.1650 Disciplinary actions.
- 334.1655 Interstate medical licensure compact commission.
- 334.1660 Powers and duties of the interstate commission.
- 334.1665 Finance powers.
- 334.1670 Organization and operation of the interstate commission.
- 334.1675 Rulemaking functions of the interstate commission.
- 334.1680 Oversight of the interstate compact.
- 334.1685 Enforcement of interstate compact.
- 334.1690 Default procedures.
- 334.1695 Dispute resolution.
- 334.1700 Member states, effective date and amendment.
- 334.1705 Withdrawal.
- 334.1710 Dissolution.
- 334.1715 Severability and construction.
- 334.1720 Binding effect of compact and other laws.
- 335.016 Definitions.
- 335.019 Prescriptive authority, when — certificate of controlled substance prescriptive authority, issued when.
- 335.036 Duties of board — fees set, how — fund, source, use, funds transferred from, when — rulemaking.
- 335.046 License, application for — qualifications for, fee — hearing on denial of license.
- 335.051 Reciprocity — license without examination, temporary license, when.
- 335.056 Renewal of license, when due, fee — unlicensed practice prohibited — APRN renewal, requirements.
- 335.076 Titles, RN, LPN, and APRN, who may use.
- 335.086 Use of fraudulent credentials prohibited.
- 335.175 Utilization of telehealth by nurses established.
- 335.203 Nursing education incentive program established — grants authorized, eligibility — administration — rulemaking authority.
- 335.205 Licensure, surcharge, amount.
- 337.510 Requirements for licensure — definitions — reciprocity — provisional professional counselor license issued, when, requirements — renewal license fee.
- 337.550 Licensed professional counselors interstate compact.
- 337.615 Education, experience requirements — definitions — reciprocity — licenses issued, when.
- 337.644 Definitions — application, contents — issuance of license, when — reciprocity.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 337.665 Information required to be furnished committee — certificate to practice independently issued, when — reciprocity.
- 337.1000 Purpose.
- 337.1005 Definitions.
- 337.1010 State participation in the compact.
- 337.1015 Social worker participation in the compact.
- 337.1020 Issuance of a multistate license.
- 337.1025 Authority of an interstate compact commission and member state licensing authorities.
- 337.1030 Reissuance of a multistate license by a new home state.
- 337.1035 Military families.
- 337.1040 Adverse actions.
- 337.1045 Establishment of social work licensure compact commission.
- 337.1050 Data system.
- 337.1055 Rulemaking.
- 337.1060 Oversight, dispute resolution, and enforcement.
- 337.1065 Effective date, withdrawal, and amendment.
- 337.1070 Construction and severability.
- 337.1075 Consistent effect and conflict with other state laws.
- 579.088 Fentanyl, devices to detect the presence of permitted.
- 1 Advance health care directive form and directions to be included on department website.
- 191.500 Definitions.
- 191.505 Department of health and senior services to administer — may make rules and regulations.
- 191.510 Contracts for loans to include terms.
- 191.515 Requirements for application.
- 191.520 Maximum amount of loans — source of funds.
- 191.525 Number of loans available — to whom — length of loans.
- 191.530 Interest on loans — repayment terms — temporary deferral.
- 191.535 Termination of course of study, effect.
- 191.540 Repayment schedules — breach of contract.
- 191.545 Recovery — actions for.
- 191.550 Approval of contracts.
- 335.212 Definitions.
- 335.215 Department of health and senior services to administer programs — advisory panel — members — rules, procedure.
- 335.218 Nurse loan repayment fund established — administration.
- 335.221 Education surcharge, amount, deposit in nursing student loan and nurse loan repayment fund.
- 335.224 Contracts for repayment of loans.
- 335.227 Eligibility for loan.
- 335.230 Financial assistance, amount.
- 335.233 Schedule for repayment of loan — interest, amount.
- 335.236 Repayment of loan — when.
- 335.239 Deferral of repayment of loans — when.
- 335.242 Action to recover loans due.
- 335.245 Definitions.
- 335.248 Department of health and senior services to administer program — rules and regulations.
- 335.251 Loan repayment contract — qualified employment — recovery of amounts due.
- 335.254 Law not to require certain contracts.
- 335.257 Verification of qualified employment.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 190.255, 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 195.070, 195.100, 195.206, 324.520, 334.036, 334.043, 334.100, 334.104, 334.506, 334.613, 334.735, 334.747, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 337.510, 337.615, 337.644, and 337.665, RSMo, and section 192.530 as truly agreed to and finally passed by senate substitute for house bill no. 402, one hundred second general assembly, first regular session, are repealed and eighty new sections enacted in lieu thereof, to be known as sections 190.255, 191.430, 191.435, 191.440, 191.445, 191.450, 191.600, 191.828, 191.831, 195.070, 195.100, 195.206, 324.520, 334.036, 334.043, 334.100, 334.104, 334.506, 334.613, 334.735, 334.747, 334.1600, 334.1605, 334.1610, 334.1615, 334.1620, 334.1625, 334.1630, 334.1635, 334.1640, 334.1645, 334.1650, 334.1655, 334.1660, 334.1665, 334.1670, 334.1675, 334.1680, 334.1685, 334.1690, 334.1695, 334.1700, 334.1705, 334.1710, 334.1715, 334.1720, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 335.203, 335.205, 337.510, 337.550, 337.615, 337.644, 337.665, 337.1000, 337.1005, 337.1010, 337.1015, 337.1020, 337.1025, 337.1030, 337.1035, 337.1040, 337.1045, 337.1050, 337.1055, 337.1060, 337.1065, 337.1070, 337.1075, 579.088, and 1, to read as follows:

190.255. OPIOID OVERDOSE DRUGS AND DEVICES, FIRST RESPONDER MAY ADMINISTER, WHEN — DEFINITION. — 1. Any qualified first responder may obtain and administer naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to a person suffering from an apparent narcotic or opiate-related overdose in order to revive the person.

2. Any licensed drug distributor or pharmacy in Missouri may sell naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to qualified first responder agencies to allow the agency to stock naloxone for the administration of such drug to persons suffering from an apparent narcotic or opiate overdose in order to revive the person.

3. For the purposes of this section, "qualified first responder" shall mean any [state and local law enforcement agency staff,] fire department personnel, fire district personnel, or licensed emergency medical technician who is acting under the directives and established protocols of a medical director of a local licensed ground ambulance service licensed under section 190.109, or any state or local law enforcement agency staff member, who comes in contact with a person suffering from an apparent narcotic or opiate-related overdose and who has received training in recognizing and responding to a narcotic or opiate overdose and the administration of naloxone to a person suffering from an apparent narcotic or opiate-related overdose. "Qualified first responder agencies" shall mean any state or local law enforcement agency, fire department, or ambulance service that provides documented training to its staff related to the administration of naloxone in an apparent narcotic or opiate overdose situation.

4. A qualified first responder shall only administer naloxone by such means as the qualified first responder has received training for the administration of naloxone.

191.430. PROGRAM ESTABLISHED, PURPOSE — DEPARTMENT DUTIES. — 1. There is hereby established within the department of health and senior services the "Health Professional Loan Repayment Program" to provide forgivable loans for the purpose of repaying existing loans related to applicable educational expenses for health care, mental health, and public health professionals. The

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Matter underscored is proposed language.

department of health and senior services shall be the administrative agency for the implementation of the program established by this section.

2. The department of health and senior services shall prescribe the form and the time and method of filing applications and supervise the processing, including oversight and monitoring of the program, and shall promulgate rules to implement the provisions of sections 191.430 to 191.450. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

3. The director of the department of health and senior services shall have the discretion to determine the health professionals and practitioners who will receive forgivable health professional loans from the department to pay their existing loans. The director shall make such determinations each fiscal year based on evidence associated with the greatest needs in the best interests of the public. The health care, mental health, and public health professionals or disciplines funded in any given year shall be contingent upon consultation with the office of workforce development in the department of higher education and workforce development and the department of mental health, or their successor agencies.

4. The department of health and senior services shall enter into a contract with each selected applicant who receives a health professional loan under this section. Each selected applicant shall apply the loan award to his or her educational debt. The contract shall detail the methods of forgiveness associated with a service obligation and the terms associated with the principal and interest accruing on the loan at the time of the award. The contract shall contain details concerning how forgiveness is earned, including when partial forgiveness is earned through a service obligation, and the terms and conditions associated with repayment of the loans for any obligation not served.

5. All health professional loans shall be made from funds appropriated by the general assembly to the health professional loan incentive fund established in section 191.445.

191.435. NEED FOR HEALTH CARE AREAS TO BE DESIGNATED. — The department of health and senior services shall designate counties, communities, or sections of areas in the state as areas of defined need for health care, mental health, and public health services. If a county, community, or section of an area has been designated or determined as a professional shortage area, a shortage area, or a health care, mental health, or public health professional shortage area by the federal Department of Health and Human Services or its successor agency, the department of health and senior services shall designate it as an area of defined need under this section. If the director of the department of health and senior services determines that a county, community, or section of an area has an extraordinary need for health care professional services without a corresponding supply of such professionals, the department of health and senior services may designate it as an area of defined need under this section.

191.440. CONTRACTS FOR FORGIVABLE LOANS, CONTENTS — PRACTICE SITES, STIPULATION OF. — 1. The department of health and senior services shall enter into a contract with each individual qualifying for a forgivable loan under sections 191.430 to 191.450. The written contract between the department and the individual shall contain, but not be limited to, the following:

(1) An agreement that the state agrees to award a loan and the individual agrees to serve for a period equal to two years, or a longer period as the individual may agree to, in an area of defined need as designated by the department, with such service period to begin on the date identified on the signed contract;

(2) A provision that any financial obligations arising out of a contract entered into and any obligation of the individual that is conditioned thereon is contingent upon funds being appropriated for loans;

(3) The area of defined need where the person will practice;

(4) A statement of the damages to which the state is entitled for the individual's breach of the contract; and

(5) Such other statements of the rights and liabilities of the department and of the individual not inconsistent with sections 191.430 to 191.450.

2. The department of health and senior services may stipulate specific practice sites, contingent upon department-generated health care, mental health, and public health professional need priorities, where applicants shall agree to practice for the duration of their participation in the program.

191.445. FUND CREATED, USE OF MONEYS. — There is hereby created in the state treasury the "Health Professional Loan Incentive Fund", which shall consist of any appropriations made by the general assembly, all funds recovered from an individual under section 191.450, and all funds generated by loan repayments received under sections 191.430 to 191.450. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely by the department of health and senior services to provide loans under sections 191.430 to 191.450. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

191.450. FAILURE TO MAINTAIN ACCEPTABLE EMPLOYMENT STATUS, LIABLE FOR LOAN AMOUNT — RECOVERY AMOUNT. — 1. An individual who enters into a written contract with the department of health and senior services, as described in section 191.440, and who fails to maintain an acceptable employment status shall be liable to the state for any amount awarded as a loan by the department directly to the individual who entered into the contract that has not yet been forgiven.

2. An individual fails to maintain an acceptable employment status under this section when the contracted individual involuntarily or voluntarily terminates qualifying employment, is dismissed from such employment before completion of the contractual service obligation within the specific time frame outlined in the contract, or fails to respond to requests made by the department.

3. If an individual breaches the written contract of the individual by failing to begin or complete such individual's service obligation, the state shall be entitled to recover from the individual an amount equal to the sum of:

(1) The total amount of the loan awarded by the department or, if the department had already awarded partial forgiveness at the time of the breach, the amount of the loan not yet forgiven;

(2) The interest on the amount that would be payable if at the time the loan was awarded it was a loan bearing interest at the maximum prevailing rate as determined by the Treasurer of the United States;

(3) An amount equal to any damages incurred by the department as a result of the breach; and

(4) Any legal fees or associated costs incurred by the department or the state of Missouri in the collection of damages.

191.600. LOAN REPAYMENT PROGRAM ESTABLISHED — HEALTH PROFESSIONAL STUDENT LOAN REPAYMENT PROGRAM FUND ESTABLISHED — USE. — 1. Sections 191.600 to 191.615 establish a loan repayment program for graduates of approved medical schools, schools of osteopathic medicine, schools of dentistry and accredited chiropractic colleges who practice in areas of defined need and shall be known as the "Health Professional Student Loan Repayment Program".

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Matter underscored is proposed language.

Sections 191.600 to 191.615 shall apply to graduates of accredited chiropractic colleges when federal guidelines for chiropractic shortage areas are developed.

2. The "Health Professional Student Loan and Loan Repayment Program Fund" is hereby created in the state treasury. All funds recovered from an individual pursuant to section 191.614 and all funds generated by loan repayments and penalties received pursuant to section 191.540 shall be credited to the fund. The moneys in the fund shall be used by the department of health and senior services to provide loan repayments pursuant to section 191.611 in accordance with sections 191.600 to 191.614 [and to provide loans pursuant to sections 191.500 to 191.550].

191.828. EVALUATIONS, EFFECT OF INITIATIVES. — 1. The following departments shall conduct on-going evaluations of the effect of the initiatives enacted by the following sections:

(1) The department of commerce and insurance shall evaluate the effect of revising section 376.782 and sections 143.999, 208.178, 374.126, and 376.891 to 376.894;

(2) The department of health and senior services shall evaluate the effect of revising sections 105.711 and [sections 191.520 and] 191.600 and enacting section 191.411, and sections 167.600 to 167.621, 191.231, 208.177, 431.064, and 660.016. In collaboration with the state board of registration for the healing arts, the state board of nursing, and the state board of pharmacy, the department of health and senior services shall also evaluate the effect of revising section 195.070, section 334.100, and section 335.016, and of sections 334.104 and 334.112, and section 338.095 and 338.198;

(3) The department of social services shall evaluate the effect of revising section 198.090, and sections 208.151, 208.152 and 208.215, and section 383.125, and of sections 167.600 to 167.621, 208.177, 208.178, 208.179, 208.181, and 211.490;

(4) The office of administration shall evaluate the effect of revising sections 105.711 and 105.721;

(5) The Missouri consolidated health care plan shall evaluate the effect of section 103.178; and

(6) The department of mental health shall evaluate the effect of section 191.831 as it relates to substance abuse treatment and of section 191.835.

2. The department of revenue and office of administration shall make biannual reports to the general assembly and the governor concerning the income received into the health initiatives fund and the level of funding required to operate the programs and initiatives funded by the health initiatives fund at an optimal level.

191.831. HEALTH INITIATIVES FUND ESTABLISHED, USE — ALT-CARE PILOT PROGRAM, COMPONENTS — PARTICIPATION MAY BE REQUIRED. — 1. There is hereby established in the state treasury a "Health Initiatives Fund", to which shall be deposited all revenues designated for the fund under subsection 8 of section 149.015, and subsection 3 of section 149.160, and section 167.609, and all other funds donated to the fund or otherwise deposited pursuant to law. The state treasurer shall administer the fund. Money in the fund shall be appropriated to provide funding for implementing the new programs and initiatives established by sections 105.711 and 105.721. The moneys in the fund may further be used to fund those programs established by sections 191.411[, 191.520] and 191.600, sections 208.151 and 208.152, and sections 103.178, 143.999, 167.600 to 167.621, 188.230, 191.211, 191.231, 191.825 to 191.839, 192.013, 208.177, 208.178, 208.179 and 208.181, 211.490, 285.240, 337.093, 374.126, 376.891 to 376.894, 431.064, 660.016, 660.017 and 660.018; in addition, not less than fifteen percent of the proceeds deposited to the health initiative fund pursuant to sections 149.015 and 149.160 shall be appropriated annually to provide funding for the C-STAR substance abuse rehabilitation program of the department of mental health, or its successor program, and a C-STAR pilot project developed by the director of the division of alcohol and drug abuse and the director of the department of corrections as an alternative to incarceration, as provided in subsections 2, 3, and 4 of this section. Such pilot project shall be known as the "Alt-care" program. In addition, some of the proceeds deposited to the health initiatives fund pursuant to sections 149.015 and 149.160 shall be appropriated

annually to the division of alcohol and drug abuse of the department of mental health to be used for the administration and oversight of the substance abuse traffic ~~[offenders]~~ offender program defined in section 302.010 ~~[and section 577.001]~~. The provisions of section 33.080 to the contrary notwithstanding, money in the health initiatives fund shall not be transferred at the close of the biennium to the general revenue fund.

2. The director of the division of alcohol and drug abuse and the director of the department of corrections shall develop and administer a pilot project to provide a comprehensive substance abuse treatment and rehabilitation program as an alternative to incarceration, hereinafter referred to as "Alt-care". Alt-care shall be funded using money provided under subsection 1 of this section through the Missouri Medicaid program, the C-STAR program of the department of mental health, and the division of alcohol and drug abuse's purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and living arrangements individually adapted to each client and her children. Alt-care shall consist of the following components:

- (1) Assessment and treatment planning;
- (2) Community support to provide continuity, monitoring of progress and access to services and resources;
- (3) Counseling from individual to family therapy;
- (4) Day treatment services which include accessibility seven days per week, transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly events for families and companions, job and education preparedness training, peer support and self-help and daily living skills; and
- (5) Living arrangement options which are permanent, substance-free and conducive to treatment and recovery.

3. Any female who is pregnant or is the custodial parent of a child or children under the age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of chapter 195, and whose controlled substance abuse was a precipitating or contributing factor in the commission of the offense, and who is placed on probation may be required, as a condition of probation, to participate in Alt-care, if space is available in the pilot project area. Determinations of eligibility for the program, placement, and continued participation shall be made by the division of alcohol and drug abuse, in consultation with the department of corrections.

4. The availability of space in Alt-care shall be determined by the director of the division of alcohol and drug abuse in conjunction with the director of the department of corrections. If the sentencing court is advised that there is no space available, the court shall consider other authorized dispositions.

[192.530. NONOPIOID DIRECTIVE FORM — DEFINITIONS — REQUIREMENTS. — 1. As used in this section, the following terms mean:

- (1) "Department", the department of health and senior services;
- (2) "Health care provider", the same meaning given to the term in section 376.1350;
- (3) "Voluntary nonopioid directive form", a form that may be used by a patient to deny or refuse the administration or prescription of a controlled substance containing an opioid by a health care provider.

2. In consultation with the board of registration for the healing arts and the board of pharmacy, the department shall develop and publish a uniform voluntary nonopioid directive form.

3. The voluntary nonopioid directive form developed by the department shall indicate to all prescribing health care providers that the named patient shall not be offered, prescribed, supplied with, or otherwise administered a controlled substance containing an opioid.

4. The voluntary nonopioid directive form shall be posted in a downloadable format on the department's publicly accessible website.

5. (1) A patient may execute and file a voluntary nonopioid directive form with a health care provider. Each health care provider shall sign and date the form in the presence of the patient as evidence of acceptance and shall provide a signed copy of the form to the patient.

(2) The patient executing and filing a voluntary nonopioid directive form with a health care provider shall sign and date the form in the presence of the health care provider or a designee of the health care provider. In the case of a patient who is unable to execute and file a voluntary nonopioid directive form, the patient may designate a duly authorized guardian or health care proxy to execute and file the form in accordance with subdivision (1) of this subsection.

(3) A patient may revoke the voluntary nonopioid directive form for any reason and may do so by written or oral means.

6. The department shall promulgate regulations for the implementation of the voluntary nonopioid directive form that shall include, but not be limited to:

(1) A standard method for the recording and transmission of the voluntary nonopioid directive form, which shall include verification by the patient's health care provider and shall comply with the written consent requirements of the Public Health Service Act, 42 U.S.C. Section 290dd-2(b), and 42 CFR Part 2, relating to confidentiality of alcohol and drug abuse patient records, provided that the voluntary nonopioid directive form shall also provide the basic procedures necessary to revoke the voluntary nonopioid directive form;

(2) Procedures to record the voluntary nonopioid directive form in the patient's medical record or, if available, the patient's interoperable electronic medical record;

(3) Requirements and procedures for a patient to appoint a duly authorized guardian or health care proxy to override a previously filed voluntary nonopioid directive form and circumstances under which an attending health care provider may override a previously filed voluntary nonopioid directive form based on documented medical judgment, which shall be recorded in the patient's medical record;

(4) Procedures to ensure that any recording, sharing, or distributing of data relative to the voluntary nonopioid directive form complies with all federal and state confidentiality laws; and

(5) Appropriate exemptions for health care providers and emergency medical personnel to prescribe or administer a controlled substance containing an opioid when, in their professional medical judgment, a controlled substance containing an opioid is necessary, or the provider and medical personnel are acting in good faith.

The department shall develop and publish guidelines on its publicly accessible website that shall address, at a minimum, the content of the regulations promulgated under this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

7. A written prescription that is presented at an outpatient pharmacy or a prescription that is electronically transmitted to an outpatient pharmacy is presumed to be valid for the purposes of this section, and a pharmacist in an outpatient setting shall not be held in violation of this section for dispensing a controlled substance in contradiction to a voluntary nonopioid directive form, except upon evidence that the pharmacist acted knowingly against the voluntary nonopioid directive form.

8. (1) A health care provider or an employee of a health care provider acting in good faith shall not be subject to criminal or civil liability and shall not be considered to have engaged in unprofessional conduct for failing to offer or administer a prescription or medication order for a controlled substance containing an opioid under the voluntary nonopioid directive form.

(2) A person acting as a representative or an agent pursuant to a health care proxy shall not be subject to criminal or civil liability for making a decision under subdivision (3) of subsection 6 of this section in good faith.

(3) Notwithstanding any other provision of law, a professional licensing board, at its discretion, may limit, condition, or suspend the license of, or assess fines against, a health care provider who recklessly or negligently fails to comply with a patient's voluntary nonopioid directive form.]

195.070. PRESCRIPTIVE AUTHORITY. — 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone and Schedule II controlled substances for hospice patients pursuant to the provisions of section 334.104. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, except:

(1) When the controlled substance is delivered to the practitioner to administer to the patient for whom the medication is prescribed as authorized by federal law. Practitioners shall maintain records and secure the medication as required by this chapter and regulations promulgated pursuant to this chapter; or

(2) As provided in section 195.265.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. LABELING REQUIREMENTS. — 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the manufacturer or wholesaler shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in which such drug is sold or dispensed a label showing his or her own name and address of the pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; [the name of the collaborating physician if the prescription is written by an advanced practice registered nurse or a physician assistant,] and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

195.206. OPIOID ANTAGONIST OR ADDICTION MITIGATION MEDICINE, SALE AND DISPENSING OF BY PHARMACISTS, POSSESSION OF — ADMINISTRATION OF, CONTACTING EMERGENCY PERSONNEL — IMMUNITY FROM LIABILITY, WHEN. — 1. As used in this section, the following terms shall mean:

(1) "Addiction mitigation medication", naltrexone hydrochloride that is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(2) "Opioid antagonist", naloxone hydrochloride, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose [that] and is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(3) "Opioid-related drug overdose", a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid or other substance with which an opioid was combined or a condition that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

2. Notwithstanding any other law or regulation to the contrary:

(1) The director of the department of health and senior services, if a licensed physician, may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication;

(2) In the alternative, the department may employ or contract with a licensed physician who may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication with the express written consent of the department director.

3. Notwithstanding any other law or regulation to the contrary, any licensed pharmacist in Missouri may sell and dispense an opioid antagonist or an addiction mitigation medication under physician protocol or under a statewide standing order issued under subsection 2 of this section.

4. A licensed pharmacist who, acting in good faith and with reasonable care, sells or dispenses an opioid antagonist or an addiction mitigation medication and an appropriate device to administer the drug, and the protocol physician, shall not be subject to any criminal or civil liability or any professional disciplinary action for prescribing or dispensing the opioid antagonist or an addiction mitigation medication or any outcome resulting from the administration of the opioid antagonist or an addiction mitigation medication. A physician issuing a statewide standing order under subsection 2 of this section shall not be subject to any criminal or civil liability or any professional disciplinary action for issuing

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the standing order or for any outcome related to the order or the administration of the opioid antagonist or an addiction mitigation medication.

5. Notwithstanding any other law or regulation to the contrary, it shall be permissible for any person to possess an opioid antagonist or an addiction mitigation medication.

6. Any person who administers an opioid antagonist to another person shall, immediately after administering the drug, contact emergency personnel. Any person who, acting in good faith and with reasonable care, administers an opioid antagonist to another person whom the person believes to be suffering an opioid-related drug overdose shall be immune from criminal prosecution, disciplinary actions from his or her professional licensing board, and civil liability due to the administration of the opioid antagonist.

324.520. DEFINITIONS — TATTOOING, BRANDING, BODY PIERCING, PROHIBITED, WHEN, PENALTY. — 1. As used in sections 324.520 to 324.524, the following terms mean:

- (1) "Body piercing", the perforation of human tissue other than an ear for a nonmedical purpose;
- (2) "Branding", a permanent mark made on human tissue by burning with a hot iron or other instrument;
- (3) "Controlled substance", any substance defined in section 195.010;
- (4) "Minor", a person under the age of eighteen;
- (5) "Tattoo", one or more of the following:
 - (a) [An indelible] A mark made on the body of another person by the insertion of a pigment, ink, or both pigment and ink under the skin with the aid of needles or blades using hand-held or machine-powered instruments; [or]
 - (b) A mark made on the face or body of another person for cosmetic purposes or to any part of the body for scar coverage or other corrective purposes by the insertion of a pigment, ink, or both pigment and ink under the skin with the aid of needles; or
 - (c) An indelible design made on the body of another person by production of scars other than by branding.

2. No person shall knowingly tattoo, brand or perform body piercing on a minor unless such person obtains the prior written informed consent of the minor's parent or legal guardian. The minor's parent or legal guardian shall execute the written informed consent required pursuant to this subsection in the presence of the person performing the tattooing, branding or body piercing on the minor, or in the presence of an employee or agent of such person. Any person who fraudulently misrepresents himself or herself as a parent is guilty of a class B misdemeanor.

3. A person shall not tattoo, brand or perform body piercing on another person if the other person is under the influence of intoxicating liquor or a controlled substance.

4. A person who violates any provisions of sections 324.520 to 324.526 is guilty of a misdemeanor and shall be fined not more than five hundred dollars. If there is a subsequent violation within one year of the initial violation, such person shall be fined not less than five hundred dollars or more than one thousand dollars.

5. No person under the age of eighteen shall tattoo, brand or perform body piercing on another person.

334.036. ASSISTANT PHYSICIANS — DEFINITIONS — LIMITATION ON PRACTICE — LICENSURE, RULEMAKING AUTHORITY — COLLABORATIVE PRACTICE ARRANGEMENTS — INSURANCE REIMBURSEMENT. — 1. For purposes of this section, the following terms shall mean:

- (1) "Assistant physician", any graduate of a medical school [graduate] accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or an organization accredited by the Educational Commission for Foreign Medical Graduates who:
 - (a) Is a resident and citizen of the United States or is a legal resident alien;

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Matter underscored is proposed language.

(b) Has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the three-year period immediately preceding application for licensure as an assistant physician, or within three years after graduation from a medical college or osteopathic medical college, whichever is later;

(c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding three-year period unless when such three-year anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and

(d) Has proficiency in the English language.

Any graduate of a medical school [graduate] who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

(2) "Assistant physician collaborative practice arrangement", an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037];

(3) "Medical school graduate", any person who has graduated from a medical college or osteopathic medical college described in section 334.031].

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state [or in any pilot project areas established in which assistant physicians may practice].

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. No licensure fee for an assistant physician shall exceed the amount of any licensure fee for a physician assistant. An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule. No rule or regulation shall require an assistant physician to complete more hours of continuing medical education than that of a licensed physician.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

(3) Any rules or regulations regarding assistant physicians in effect as of the effective date of this section that conflict with the provisions of this section and section 334.037 shall be null and void as of the effective date of this section.

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall practice or attempt

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to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

7. Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis that the health carrier or health benefit plan covers the service when it is delivered by another comparable mid-level health care provider including, but not limited to, a physician assistant.

334.043. RECIPROCITY — DEFINITIONS — PROCEDURE — FEES. — [Upon the applicant paying a fee equivalent to the required examination fee and furnishing the board with all locations of previous practice and licensure in chronological order, the board shall, under regulations prescribed by it, admit without examination qualified persons who meet the requirements of this state including, but not limited to, sections 334.031, 334.035 and 334.040, and who hold certificates of licensure in any state or territory of the United States or the District of Columbia authorizing them to practice in the same manner and to the same extent as physicians and surgeons are authorized to practice by this chapter. Within the limits of this section, the board is authorized and empowered to negotiate reciprocal compacts with licensing boards of other states for admission of licensed practitioners from Missouri in other states] 1. For purposes of this section, the following terms mean:

(1) "Board", the state board of registration for the healing arts in the state of Missouri;

(2) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(3) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;

(4) "Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(5) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

(6) "Resident military spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Any person who holds a valid current physician and surgeon license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit to the board an application for a physician and surgeon license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.

3. The board shall:

(1) Within six months of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if

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it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The board may require an applicant to take and pass an examination specific to the laws of this state; or

(2) Within thirty days of receiving an application described in subsection 2 of this section from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section.

4. (1) The board shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in subdivision (2) of this subsection, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the board receives his or her application under this section.

(2) If another jurisdiction has taken disciplinary action against an applicant, the board shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the board may deny a license until the matter is resolved.

5. Nothing in this section shall prohibit the board from denying a license to an applicant under this section for any reason described in section 334.100.

6. Any person who is licensed under the provisions of this section shall be subject to the board's jurisdiction and all rules and regulations pertaining to the practice as a physician and surgeon in this state.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees.

334.100. DENIAL, REVOCATION OR SUSPENSION OF LICENSE, ALTERNATIVES, GROUNDS FOR — REINSTATEMENT PROVISIONS. — 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

(f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

(g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination including failing to establish a valid physician-patient relationship pursuant to section 334.108, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

(i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;

(j) Being listed on any state or federal sexual offender registry;

(k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(l) Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;

(m) Failure of any applicant or licensee to cooperate with the board during any investigation;

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- (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;
- (o) Failure to timely pay license renewal fees specified in this chapter;
- (p) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;
- (q) Failing to inform the board of the physician's current residence and business address;
- (r) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;
- (s) Any other conduct that is unethical or unprofessional involving a minor;
- (5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;
- (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;
- (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;
- (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;
- (9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;
- (11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;
- (12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;
- (13) Violation of the drug laws or rules and regulations of this state, including but not limited to any provision of chapter 195, any other state, or the federal government;
- (14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;
- (15) Knowingly making a false statement, orally or in writing to the board;

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(16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;

(17) Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(18) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(19) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

(20) Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or[, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] evaluating or treating a patient in a manner inconsistent with section 334.506;

(21) Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

(22) Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

(23) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

(24) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program;

(26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or voluntary termination of a controlled substance authority while under investigation;

(27) For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory

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surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

8. The act of lawfully dispensing, prescribing, administering, or otherwise distributing ivermectin tablets or hydroxychloroquine sulfate tablets for human use shall not be grounds for denial, suspension, revocation, or other disciplinary action by the board.

334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, CONTENTS, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NOTICE OF COLLABORATIVE PRACTICE OR PHYSICIAN ASSISTANT AGREEMENTS TO BOARD, WHEN — CERTAIN NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN — CONTRACT LIMITATIONS.

— 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. (1) Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered

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nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

(2) Notwithstanding any other provision of this section to the contrary, a collaborative practice arrangement may delegate to an advanced practice registered nurse the authority to administer, dispense, or prescribe Schedule II controlled substances for hospice patients; provided, that the advanced practice registered nurse is employed by a hospice provider certified pursuant to chapter 197 and the advanced practice registered nurse is providing care to hospice patients pursuant to a collaborative practice arrangement that designates the certified hospice as a location where the advanced practice registered nurse is authorized to practice and prescribe.

(3) Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

(4) An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except as specified in this paragraph. The following provisions shall apply with respect to this requirement:

a. Until August 28, 2025, an advanced practice registered nurse providing services in a correctional center, as defined in section 217.010, and his or her collaborating physician shall satisfy the geographic proximity requirement if they practice within two hundred miles by road of one another. An incarcerated patient who requests or requires a physician consultation shall be treated by a physician as soon as appropriate;

b. The collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210 (42 U.S.C. Section 1395x, as amended), as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic[.];

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c. The collaborative practice arrangement may allow for geographic proximity to be waived when the arrangement outlines the use of telehealth, as defined in section 191.1145;

d. In addition to the waivers and exemptions provided in this subsection, an application for a waiver for any other reason of any applicable geographic proximity shall be available if a physician is collaborating with an advanced practice registered nurse in excess of any geographic proximity limit. The board of nursing and the state board of registration for the healing arts shall review each application for a waiver of geographic proximity and approve the application if the boards determine that adequate supervision exists between the collaborating physician and the advanced practice registered nurse. The boards shall have forty-five calendar days to review the completed application for the waiver of geographic proximity. If no action is taken by the boards within forty-five days after the submission of the application for a waiver, then the application shall be deemed approved. If the application is denied by the boards, the provisions of section 536.063 for contested cases shall apply and govern proceedings for appellate purposes; and

e. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; and

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection; and

(11) If a collaborative practice arrangement is used in clinical situations where a collaborating advanced practice registered nurse provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the collaborating physician or any other physician designated in the collaborative practice arrangement shall be present for sufficient periods of time, at least once every two weeks, except in extraordinary circumstances that shall be documented, to participate in a chart review and to provide necessary medical direction, medical services, consultations, and supervision of the health care staff.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to [specifying geographic areas to be covered,] the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to geographic proximity shall allow a

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collaborating physician and a collaborating advanced practice registered nurse to practice within two hundred miles by road of one another until August 28, 2025, if the nurse is providing services in a correctional center, as defined in section 217.010. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his or her medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice [agreement] arrangement, including collaborative practice [agreements] arrangements delegating the authority to prescribe controlled substances, or physician assistant [agreement] collaborative practice arrangement and also report to the board the name of each licensed professional with whom the physician has entered into such [agreement] arrangement. The board [may] shall make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such [agreements] arrangements to ensure that [agreements] arrangements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than six full-time equivalent advanced practice registered nurses, full-time equivalent licensed physician

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assistants, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to collaborative practice arrangements between a primary care physician and a primary care advanced practice registered nurse or a behavioral health physician and a behavioral health advanced practice registered nurse, where the collaborating physician is new to a patient population to which the advanced practice registered nurse is familiar.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other ~~[agreement]~~ term of employment shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other ~~[agreement]~~ term of employment shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.506. PHYSICAL THERAPISTS MAY PROVIDE CERTAIN SERVICES WITHOUT PRESCRIPTION OR DIRECTION OF AN APPROVED HEALTH CARE PROVIDER, WHEN — LIMITATIONS. — 1. As used in this section, the following terms mean:

(1) "Approved health care provider" ~~[means]~~, a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing;

(2) "Consult" or "consultation", communication by telephone, by fax, in writing, or in person with the patient's personally approved licensed health care provider or a licensed health care provider of the patient's designation.

2. A physical therapist ~~[shall not]~~ may evaluate and initiate treatment [for a new injury or illness] on a patient without a prescription or referral from an approved health care provider, provided that the physical therapist has a doctorate of physical therapy degree or has five years of clinical practice as a physical therapist.

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs ~~[for asymptomatic persons]~~, or provide screening or consultative services within the scope of

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physical therapy practice without ~~[the]~~ a prescription ~~[and direction of]~~ or referral from an approved health care provider.

4. ~~[A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self-limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The physical therapist shall:]~~

~~(1) [Contact the patient's current approved health care provider within seven days of initiating physical therapy services under this subsection;] A physical therapist shall refer to an approved health care provider any patient whose condition at the time of evaluation or treatment is determined to be beyond the scope of practice of physical therapy. The physical therapist shall not provide physical therapy services or treatment after this referral has been made.~~

~~(2) [Not change an existing physical therapy referral available to the physical therapist without approval of the patient's current approved health care provider;] A physical therapist shall refer to an approved health care provider any patient who does not demonstrate measurable or functional improvement after ten visits or thirty days, whichever occurs first. The physical therapist shall not provide further therapy services or treatment after this referral has been made.~~

~~(3) [Refer to an approved health care provider any patient whose medical condition at the time of examination or treatment is determined to be beyond the scope of practice of physical therapy;~~

~~(4) Refer to an approved health care provider any patient whose condition for which physical therapy services are rendered under this subsection has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever first occurs;~~

~~(5) Notify the patient's current approved health care provider prior to the continuation of treatment if treatment rendered under this subsection is to continue beyond thirty days. The physical therapist shall provide such notification for each successive period of thirty days.] (a) A physical therapist shall consult with an approved health care provider if, after every ten visits or thirty days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the course of physical therapy services or treatment provided and the physical therapist believes that continuation of the course of physical therapy services or treatment is reasonable and necessary based on the physical therapist's evaluation of the patient. The physical therapist shall not provide further physical therapy services or treatment until the consultation has occurred.~~

~~(b) The consultation with the approved health care provider shall include information concerning:~~

~~a. The patient's condition for which physical therapy services or treatments were provided;~~

~~b. The basis for the course of services or treatment indicated, as determined from the physical therapy evaluation of the patient;~~

~~c. The physical therapy services or treatment provided before the date of the consultation;~~

~~d. The patient's demonstrated measurable or functional improvement from the services or treatment provided before the date of the consultation;~~

~~e. The continuing physical therapy services or treatment proposed to be provided following the consultation; and~~

~~f. The professional physical therapy basis for the continued physical therapy services or treatment to be provided.~~

~~(c) Continued physical therapy services or treatment following the consultation with and approval by an approved health care provider shall proceed in accordance with any feedback, advice, opinion, or direction of the approved health care provider. The physical therapist shall notify the consulting approved health care provider of continuing physical therapy services or treatment and the patient's progress at least every ten visits or thirty days after the initial consultation unless the consulting approved health care provider directs otherwise.~~

~~(d) The provisions of this subdivision shall not apply to physical therapy services performed within a primary or secondary school for individuals within ages not in excess of twenty-one years.~~

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5. The provision of physical therapy services of evaluation and screening pursuant to this section shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. [Physical therapy treatment provided pursuant to the provisions of subsection 4 of this section may be delegated by physical therapists to physical therapist assistants only if the patient's current approved health care provider has been so informed as part of the physical therapist's seven-day notification upon reinitiation of physical therapy services as required in subsection 4 of this section.] Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of an approved health care provider. Nothing in this subsection shall prohibit an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission on Accreditation in Physical Therapy Education (CAPTE) who satisfies supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry-level person shall be under the supervision of a physical therapist.

334.613. REFUSAL TO ISSUE OR RENEW A LICENSE, PROCEDURE — COMPLAINT MAY BE FILED, WHEN, REQUIREMENTS FOR PROCEEDINGS ON — DISCIPLINARY ACTION AUTHORIZED.

— 1. The board may refuse to issue or renew a license to practice as a physical therapist or physical therapist assistant for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew a license to practice as a physical therapist or physical therapist assistant, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country,

for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment or services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;

(f) Performing services which have been declared by board rule to be of no physical therapy value;

(g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;

(h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;

(i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;

(j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;

(l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;

(m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(n) Failure to timely pay license renewal fees specified in this chapter;

(o) Violating a probation agreement with this board or any other licensing agency;

(p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;

(q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee

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has a financial interest in any organization, corporation, or association which issues or conducts such advertising;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;

(7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or allowing any person to use his or her license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;

(12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or[, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] evaluating or treating a patient in a manner inconsistent with section 334.506;

(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under section 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when

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directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to

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practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

334.735. DEFINITIONS — SCOPE OF PRACTICE — PROHIBITED ACTIVITIES — BOARD OF HEALING ARTS TO ADMINISTER LICENSING PROGRAM — DUTIES AND LIABILITY OF PHYSICIANS — COLLABORATIVE PRACTICE ARRANGEMENT REQUIREMENTS. — 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Collaborative practice arrangement", written agreements, jointly agreed upon protocols, or standing orders, all of which shall be in writing, for the delivery of health care services;
- (5) "Department", the department of commerce and insurance or a designated agency thereof;
- (6) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (7) "Physician assistant", a person who has graduated from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor agency, prior to 2001, or the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (8) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749.

2. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
- (2) Performing physical examinations of a patient;
- (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
- (4) Performing routine therapeutic procedures;
- (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;
- (6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a collaborating physician;
- (7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;
- (8) Assisting in surgery; and
- (9) Performing such other tasks not prohibited by law under the collaborative practice arrangement with a licensed physician as the physician assistant has been trained and is proficient to perform.

3. Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a collaborative practice arrangement in accordance with the law, nor prescribe lenses, prisms or contact

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lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a collaborative practice arrangement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the collaborating physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant **[and the supervising physician]**;

(4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the collaborating physician is not qualified or authorized to prescribe.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician collaboration or in any location where the collaborating physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with a third-party plan or the department of social services as a MO HealthNet or Medicaid provider while acting under a collaborative practice arrangement between the physician and physician assistant.

6. The licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, collaboration, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

7. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

8. A physician may enter into collaborative practice arrangements with physician assistants. Collaborative practice arrangements, which shall be in writing, may delegate to a physician assistant the authority to prescribe, administer, or dispense drugs and provide treatment which is within the skill, training, and competence of the physician assistant. Collaborative practice arrangements may delegate to a physician assistant, as defined in section 334.735, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone. Schedule III narcotic controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice

arrangements shall be in the form of a written arrangement, jointly agreed-upon protocols, or standing orders for the delivery of health care services.

9. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the physician assistant;

(2) A list of all other offices or locations, other than those listed in subdivision (1) of this subsection, where the collaborating physician has authorized the physician assistant to prescribe;

(3) A requirement that there shall be posted at every office where the physician assistant is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by a physician assistant and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the physician assistant;

(5) The manner of collaboration between the collaborating physician and the physician assistant, including how the collaborating physician and the physician assistant will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, as determined by the board of registration for the healing arts; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency of the collaborating physician;

(6) A list of all other written collaborative practice arrangements of the collaborating physician and the physician assistant;

(7) The duration of the written practice arrangement between the collaborating physician and the physician assistant;

(8) A description of the time and manner of the collaborating physician's review of the physician assistant's delivery of health care services. The description shall include provisions that the physician assistant shall submit a minimum of ten percent of the charts documenting the physician assistant's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days. Reviews may be conducted electronically;

(9) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the physician assistant prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (8) of this subsection; and

(10) A statement that no collaboration requirements in addition to the federal law shall be required for a physician-physician assistant team working in a certified community behavioral health clinic as defined by Pub.L. 113-93, or a rural health clinic under the federal Rural Health Services Act, Pub.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section [1395 of the Public Health Service Act] 1395x, as amended.

10. The state board of registration for the healing arts under section 334.125 may promulgate rules regulating the use of collaborative practice arrangements.

11. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to a physician assistant, provided that the provisions of this section and the rules promulgated thereunder are satisfied.

12. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

authority to prescribe controlled substances, and also report to the board the name of each physician assistant with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that the arrangements are carried out in compliance with this chapter.

13. The collaborating physician shall determine and document the completion of a period of time during which the physician assistant shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2009.

14. No contract or other arrangement shall require a physician to act as a collaborating physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant. No contract or other arrangement shall require any physician assistant to collaborate with any physician against the physician assistant's will. A physician assistant shall have the right to refuse to collaborate, without penalty, with a particular physician.

15. Physician assistants shall file with the board a copy of their collaborating physician form.

16. No physician shall be designated to serve as a collaborating physician for more than six full-time equivalent licensed physician assistants, full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to physician assistant collaborative practice arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.

17. No arrangement made under this section shall supercede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital, as defined in section 197.020, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

334.747. PRESCRIBING CONTROLLED SUBSTANCES AUTHORIZED, WHEN — COLLABORATING PHYSICIANS — CERTIFICATION. — 1. A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Such authority shall be listed on the collaborating physician form on file with the state board of healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the collaborating physician form. Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a collaborative practice arrangement are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III narcotic controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau

of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

2. The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the collaborating physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a collaborating physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

334.1600. CITATION OF LAW. — Sections 334.1600 to 334.1720 shall be known and may be cited as the "Interstate Medical Licensure Compact".

334.1605. PURPOSE. — In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The Compact creates another pathway for licensure and does not otherwise change a state's existing Medical Practice Act. The Compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the Compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the Compact.

334.1610. DEFINITIONS. — In this compact:

(1) "Bylaws" means those bylaws established by the Interstate Commission pursuant to section 334.1655.

(2) "Commissioner" means the voting representative appointed by each member board pursuant to section 334.1655.

(3) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

(4) "Expedited License" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the Compact.

(5) "Interstate Commission" means the interstate commission created pursuant to section 334.1655.

(6) "License" means authorization by a member state for a physician to engage in the practice of medicine, which would be unlawful without authorization.

(7) "Medical Practice Act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

(8) "Member Board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.

(9) "Member State" means a state that has enacted the Compact.

(10) "Practice of Medicine" means that clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the Medical Practice Act of a member state.

(11) "Physician" means any person who:

(a) Is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent;

(b) Passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;

(c) Successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

(d) Holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;

(e) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;

(f) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(g) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license;

(h) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration; and

(i) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

(12) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

(13) "Rule" means a written statement by the Interstate Commission promulgated pursuant to section 334.1660 of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the

Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(14) "State" means any state, commonwealth, district, or territory of the United States.

(15) "State of Principal License" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the Compact.

334.1615. ELIGIBILITY. — 1. A physician must meet the eligibility requirements as defined in subdivision (11) of section 334.1610 to receive an expedited license under the terms and provisions of the Compact.

2. A physician who does not meet the requirements of subdivision (11) of section 334.1610 may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the Compact, relating to the issuance of a license to practice medicine in that state.

334.1620. DESIGNATION OF STATE OF PRINCIPAL LICENSE. — 1. A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the Compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:

(1) The state of principal residence for the physician, or

(2) The state where at least 25% of the practice of medicine occurs, or

(3) The location of the physician's employer, or

(4) If no state qualifies under subdivision (1), (2), or (3) of this subsection, the state designated as state of residence for purpose of federal income tax.

2. A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements of subsection 1 of this section.

3. The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

334.1625. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE. — 1. A physician seeking licensure through the Compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

2. Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the Interstate Commission.

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary source verification where already primary source verified by the state of principal license.

(2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. §731.202.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

3. Upon verification in subsection 2 of this section, physicians eligible for an expedited license shall complete the registration process established by the Interstate Commission to receive a license in a

member state selected pursuant to subsection 1 of this section, including the payment of any applicable fees.

4. After receiving verification of eligibility under subsection 2 of this section and any fees under subsection 3 of this section, a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the Medical Practice Act and all applicable laws and regulations of the issuing member board and member state.

5. An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

6. An expedited license obtained through the Compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

7. The Interstate Commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

334.1630. FEES FOR EXPEDITED LICENSURE. — 1. A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the Compact.

2. The Interstate Commission is authorized to develop rules regarding fees for expedited licenses.

334.1635. RENEWAL AND CONTINUED PARTICIPATION. — 1. A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician:

(1) Maintains a full and unrestricted license in a state of principal license;

(2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and

(4) Has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.

2. Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

3. The Interstate Commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

4. Upon receipt of any renewal fees collected in subsection 3 of this section, a member board shall renew the physician's license.

5. Physician information collected by the Interstate Commission during the renewal process will be distributed to all member boards.

6. The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the Compact.

334.1640. COORDINATED INFORMATION SYSTEM. — 1. The Interstate Commission shall establish a database of all physicians licensed, or who have applied for licensure, under section 334.1625.

2. Notwithstanding any other provision of law, member boards shall report to the Interstate Commission any public action or complaints against a licensed physician who has applied or received an expedited license through the Compact.

3. Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the Interstate Commission.

4. Member boards may report any non-public complaint, disciplinary, or investigatory information not required by subsection 3 of this section to the Interstate Commission.

5. Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

6. All information provided to the Interstate Commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

7. The Interstate Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

334.1645. JOINT INVESTIGATIONS. — 1. Licensure and disciplinary records of physicians are deemed investigative.

2. In addition to the authority granted to a member board by its respective Medical Practice Act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

3. A subpoena issued by a member state shall be enforceable in other member states.

4. Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

5. Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

334.1650. DISCIPLINARY ACTIONS. — 1. Any disciplinary action taken by any member board against a physician licensed through the Compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the Medical Practice Act or regulations in that state.

2. If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the Medical Practice Act of that state.

3. If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:

(1) Impose the same or lesser sanction(s) against the physician so long as such sanctions are consistent with the Medical Practice Act of that state; or

(2) Pursue separate disciplinary action against the physician under its respective Medical Practice Act, regardless of the action taken in other member states.

4. If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit the member board(s) to investigate the basis for the action under the Medical Practice Act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety (90) day suspension period in a manner consistent with the Medical Practice Act of that state.

334.1655. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION. — 1. The member states hereby create the "Interstate Medical Licensure Compact Commission".

2. The purpose of the Interstate Commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function.

3. The Interstate Commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the Compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the Compact.

4. The Interstate Commission shall consist of two voting representatives appointed by each member state who shall serve as Commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A Commissioner shall be a(n):

- (1) Allopathic or osteopathic physician appointed to a member board;
- (2) Executive director, executive secretary, or similar executive of a member board; or
- (3) Member of the public appointed to a member board.

5. The Interstate Commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the Commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

6. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

7. Each Commissioner participating at a meeting of the Interstate Commission is entitled to one vote. A majority of Commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. A Commissioner shall not delegate a vote to another Commissioner. In the absence of its Commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of subsection 4 of this section.

8. The Interstate Commission shall provide public notice of all meetings and all meetings shall be open to the public. The Interstate Commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the Commissioners present that an open meeting would be likely to:

- (1) Relate solely to the internal personnel practice and procedures of the Interstate Commission;
- (2) Discuss matters specifically exempted from disclosure by federal statute;
- (3) Discuss trade secrets, commercial, or financial information that is privileged or confidential;
- (4) Involve accusing a person of a crime, or formally censuring a person;
- (5) Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) Discuss investigative records compiled for law enforcement purposes; or

(7) Specifically relate to the participation in a civil action or other legal proceeding.

9. The Interstate Commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.

10. The Interstate Commission shall make its information and official records, to the extent not otherwise designated in the Compact or by its rules, available to the public for inspection.

11. The Interstate Commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. When acting on behalf of the Interstate Commission, the

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Matter underscored is proposed language.

executive committee shall oversee the administration of the Compact including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties as necessary.

12. The Interstate Commission shall establish other committees for governance and administration of the Compact.

334.1660. POWERS AND DUTIES OF THE INTERSTATE COMMISSION. — The powers and duties of the Interstate Commission shall be to:

- (1) Oversee and maintain the administration of the Compact;
- (2) Promulgate rules which shall be binding to the extent and in the manner provided for in the Compact;
- (3) Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the Compact, its bylaws, rules, and actions;
- (4) Enforce compliance with Compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;
- (5) Establish and appoint committees including, but not limited to, an executive committee as required by section 334.1655, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;
- (6) Pay, or provide for the payment of the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission;
- (7) Establish and maintain one or more offices;
- (8) Borrow, accept, hire, or contract for services of personnel;
- (9) Purchase and maintain insurance and bonds;
- (10) Employ an executive director who shall have such powers to employ, select or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation;
- (11) Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;
- (12) Accept donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies established by the Interstate Commission;
- (13) Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use, any property, real, personal, or mixed;
- (14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
- (15) Establish a budget and make expenditures;
- (16) Adopt a seal and bylaws governing the management and operation of the Interstate Commission;
- (17) Report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the Interstate Commission;
- (18) Coordinate education, training, and public awareness regarding the Compact, its implementation, and its operation;
- (19) Maintain records in accordance with the bylaws;
- (20) Seek and obtain trademarks, copyrights, and patents; and
- (21) Perform such functions as may be necessary or appropriate to achieve the purpose of the Compact.

334.1665. FINANCE POWERS. — 1. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

2. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

3. The Interstate Commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.

4. The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or licensed accountant and the report of the audit shall be included in the annual report of the Interstate Commission.

334.1670. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION. — 1. The Interstate Commission shall, by a majority of Commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact within twelve (12) months of the first Interstate Commission meeting.

2. The Interstate Commission shall elect or appoint annually from among its Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.

3. Officers selected in subsection 2 of this section shall serve without remuneration for the Interstate Commission.

4. The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

5. The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purpose of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

6. The Interstate Commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

7. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a

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settlement or judgement, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of the Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

334.1675. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION. — 1. The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

2. Rules deemed appropriate for the operations of the Interstate Commission shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" of 2010, and subsequent amendments thereto.

3. Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the Interstate Commission.

334.1680. OVERSIGHT OF THE INTERSTATE COMPACT. — 1. The executive, legislative, and judicial branches of state government in each member state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of the Compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the Compact which may affect the powers, responsibilities or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all services of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, the Compact, or promulgated rules.

334.1685. ENFORCEMENT OF INTERSTATE COMPACT. — 1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the Compact.

2. The Interstate Commission may, by majority vote of the Commissioners, initiate legal action in the United States District Court for the District of Columbia, or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the Compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or regulation of a profession.

334.1690. DEFAULT PROCEDURES. — 1. The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the Compact, or the rules and bylaws of the Interstate Commission promulgated under the Compact.

2. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Compact, or the bylaws or promulgated rules, the Interstate Commission shall:

(1) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; and

(2) Provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Compact upon an affirmative vote of a majority of the Commissioners and all rights, privileges, and benefits conferred by the Compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

5. The Interstate Commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.

6. The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.

7. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the Compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

8. The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

334.1695. DISPUTE RESOLUTION. — 1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the Compact and which may arise among member states or member boards.

2. The Interstate Commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

334.1700. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT. — 1. Any state is eligible to become a member of the Compact.

2. The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than seven (7) states. Thereafter, it shall become effective and binding on a state upon enactment of the Compact into law by that state.

3. The governors of non-member states, or their designees, shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the Compact by all states.

4. The Interstate Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

334.1705. WITHDRAWAL. — 1. Once effective, the Compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the Compact by specifically repealing the statute which enacted the Compact into law.

2. Withdrawal from the Compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state.

4. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt of notice provided under subsection 3 of this section.

5. The withdrawing state is responsible for all dues, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

6. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Interstate Commission.

7. The Interstate Commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

334.1710. DISSOLUTION. — 1. The Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership of the Compact to one (1) member state.

2. Upon the dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded, and surplus funds shall be distributed in accordance with the bylaws.

334.1715. SEVERABILITY AND CONSTRUCTION. — 1. The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

2. The provisions of the Compact shall be liberally construed to effectuate its purposes.

3. Nothing in the Compact shall be construed to prohibit the applicability of other interstate compacts to which the member states are members.

334.1720. BINDING EFFECT OF COMPACT AND OTHER LAWS. — 1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

2. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

3. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

4. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

5. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

335.016. DEFINITIONS. — As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

- (1) "Accredited", the official authorization or status granted by an agency for a program through a voluntary process;
- (2) "Advanced practice registered nurse" or "APRN", a [nurse who has education beyond the basic nursing education and is certified by a nationally recognized professional organization as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section. Advanced practice nurses and only such individuals may use the title "Advanced Practice Registered Nurse" and the abbreviation "APRN"] person who is licensed under the provisions of this chapter to engage in the practice of advanced practice nursing as a certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist;
- (3) "Approval", official recognition of nursing education programs which meet standards established by the board of nursing;
- (4) "Board" or "state board", the state board of nursing;
- (5) "Certified clinical nurse specialist", a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;
- (6) "Certified nurse midwife", a registered nurse who is currently certified as a nurse midwife by the American [College of Nurse Midwives] Midwifery Certification Board, or other nationally recognized certifying body approved by the board of nursing;
- (7) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;
- (8) "Certified registered nurse anesthetist", a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the [Council on Recertification of Nurse Anesthetists] National Board of Certification and Recertification for Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;
- (9) "Executive director", a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;
- (10) "Inactive [nurse] license status", as defined by rule pursuant to section 335.061;
- (11) "Lapsed license status", as defined by rule under section 335.061;
- (12) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;
- (13) "Licensure", the issuing of a license [to practice professional or practical nursing] to candidates who have met the [specified] requirements specified under this chapter, authorizing the person to engage in the practice of advanced practice, professional, or practical nursing, and the recording of the names of those persons as holders of a license to practice advanced practice, professional, or practical nursing;
- (14) "Practice of advanced practice nursing", the performance for compensation of activities and services consistent with the required education, training, certification, demonstrated competencies, and experiences of an advanced practice registered nurse;
- (15) "Practice of practical nursing", the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or

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directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

~~[(15)]~~ (16) "Practice of professional nursing", the performance for compensation of any act or action which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social, behavioral, and nursing sciences, including, but not limited to:

(a) Responsibility for the promotion and teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, data collection, nursing diagnosis, nursing care, evaluation, and counsel of persons who are ill, injured, or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination and assistance in the determination and delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

~~[(16) A]~~ (17) "Registered professional nurse" or "registered nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

~~[(17)]~~ (18) "Retired license status", any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. PRESCRIPTIVE AUTHORITY, WHEN — CERTIFICATE OF CONTROLLED SUBSTANCE PRESCRIPTIVE AUTHORITY, ISSUED WHEN. — 1. An advanced practice registered nurse's prescriptive authority shall include authority to:

(1) Prescribe, dispense, and administer medications and nonscheduled legend drugs, as defined in section 338.330, within such APRN's practice and specialty; and

(2) Notwithstanding any other provision of this chapter to the contrary, receive, prescribe, administer, and provide nonscheduled legend drug samples from pharmaceutical manufacturers to patients at no charge to the patient or any other party.

2. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines, and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and

(4) Has a controlled substance prescribing authority delegated in the collaborative practice arrangement under section 334.104 with a physician who has an unrestricted federal Drug Enforcement

Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.

335.036. DUTIES OF BOARD — FEES SET, HOW — FUND, SOURCE, USE, FUNDS TRANSFERRED FROM, WHEN — RULEMAKING. — 1. The board shall:

(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection 11 of section 324.001 as are necessary to administer the provisions of sections 335.011 to [335.096] 335.099;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to [335.096] 335.099;

(3) Prescribe minimum standards for educational programs preparing persons for licensure as a registered professional nurse or licensed practical nurse pursuant to the provisions of sections 335.011 to [335.096] 335.099;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as "approved" such programs as meet the requirements of sections 335.011 to [335.096] 335.099 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

(8) Cause the prosecution of all persons violating provisions of sections 335.011 to [335.096] 335.099, and may incur such necessary expenses therefor;

(9) Keep a record of all the proceedings; and make an annual report to the governor and to the director of the department of commerce and insurance.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to [335.096] 335.099 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those purposes. The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.

4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the

effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

335.046. LICENSE, APPLICATION FOR — QUALIFICATIONS FOR, FEE — HEARING ON DENIAL OF LICENSE. — 1. An applicant for a license to practice as a registered professional nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. The applicant shall be of good moral character and have completed at least the high school course of study, or the equivalent thereof as determined by the state board of education, and have successfully completed the basic professional curriculum in an accredited or approved school of nursing and earned a professional nursing degree or diploma. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice nursing as a registered professional nurse. The applicant for a license to practice registered professional nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

2. An applicant for license to practice as a licensed practical nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. Such applicant shall be of good moral character, and have completed at least two years of high school, or its equivalent as established by the state board of education, and have successfully completed a basic prescribed curriculum in a state-accredited or approved school of nursing, earned a nursing degree, certificate or diploma and completed a course approved by the board on the role of the practical nurse. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking countries shall be required to submit evidence of their proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice as a licensed practical nurse. The applicant for a license to practice licensed practical nursing shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

3. (1) An applicant for a license to practice as an advanced practice registered nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain:

(a) Statements showing the applicant's education and other such pertinent information as the board may require; and

(b) A statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

(2) The applicant for a license to practice as an advanced practice registered nurse shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants.

(3) An applicant shall:

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(a) Hold a current registered professional nurse license or privilege to practice, shall not be currently subject to discipline or any restrictions, and shall not hold an encumbered license or privilege to practice as a registered professional nurse or advanced practice registered nurse in any state or territory;

(b) Have completed an accredited graduate-level advanced practice registered nurse program and achieved at least one certification as a clinical nurse specialist, nurse midwife, nurse practitioner, or registered nurse anesthetist, with at least one population focus prescribed by rule of the board;

(c) Be currently certified by a national certifying body recognized by the Missouri state board of nursing in the advanced practice registered nurse role; and

(d) Have a population focus on his or her certification, corresponding with his or her educational advanced practice registered nurse program.

(4) Any person holding a document of recognition to practice nursing as an advanced practice registered nurse in this state that is current on August 28, 2023, shall be deemed to be licensed as an advanced practice registered nurse under the provisions of this section and shall be eligible for renewal of such license under the conditions and standards prescribed in this chapter and as prescribed by rule.

4. Upon refusal of the board to allow any applicant to [sit for] take either the registered professional nurses' examination or the licensed practical nurses' examination, [as the case may be,] or upon refusal to issue an advanced practice registered nurse license, the board shall comply with the provisions of section 621.120 and advise the applicant of his or her right to have a hearing before the administrative hearing commission. The administrative hearing commission shall hear complaints taken pursuant to section 621.120.

[4.] 5. The board shall not deny a license because of sex, religion, race, ethnic origin, age or political affiliation.

335.051. RECIPROCITY — LICENSE WITHOUT EXAMINATION, TEMPORARY LICENSE, WHEN. — 1. The board shall issue a license to practice nursing as [either] an advanced practice registered nurse, a registered professional nurse, or a licensed practical nurse without examination to an applicant who has duly become licensed as [a] an advanced practice registered nurse, registered nurse, or licensed practical nurse pursuant to the laws of another state, territory, or foreign country if the applicant meets the qualifications required of advanced practice registered nurses, registered nurses, or licensed practical nurses in this state at the time the applicant was originally licensed in the other state, territory, or foreign country.

2. Applicants from foreign countries shall be licensed as prescribed by rule.

3. Upon application, the board shall issue a temporary permit to an applicant pursuant to subsection 1 of this section for a license as [either] an advanced practice registered nurse, a registered professional nurse, or a licensed practical nurse who has made a prima facie showing that the applicant meets all of the requirements for such a license. The temporary permit shall be effective only until the board shall have had the opportunity to investigate his or her qualifications for licensure pursuant to subsection 1 of this section and to notify the applicant that his or her application for a license has been either granted or rejected. In no event shall such temporary permit be in effect for more than twelve months after the date of its issuance nor shall a permit be reissued to the same applicant. No fee shall be charged for such temporary permit. The holder of a temporary permit which has not expired, or been suspended or revoked, shall be deemed to be the holder of a license issued pursuant to section 335.046 until such temporary permit expires, is terminated or is suspended or revoked.

335.056. RENEWAL OF LICENSE, WHEN DUE, FEE — UNLICENSED PRACTICE PROHIBITED — APRN RENEWAL, REQUIREMENTS. — 1. The license of every person licensed under the provisions of [sections 335.011 to 335.096] this chapter shall be renewed as provided. An application for renewal of license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by

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the renewal date with a renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal. Any person who practices nursing as an advanced practice registered nurse, a registered professional nurse, or as a licensed practical nurse during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the provisions of sections 335.011 to [335.096] 335.099.

2. The renewal of advanced practice registered nurse licenses and registered professional nurse licenses shall occur at the same time, as prescribed by rule. Failure to renew and maintain the registered professional nurse license or privilege to practice or failure to provide the required fee and evidence of active certification or maintenance of certification as prescribed by rules and regulations shall result in expiration of the advanced practice registered nurse license.

3. A licensed nurse who holds an APRN license shall be disciplined on their APRN license for any violations of this chapter.

335.076. TITLES, RN, LPN, AND APRN, WHO MAY USE.— 1. Any person who holds a license to practice professional nursing in this state may use the title "Registered Professional Nurse" and the abbreviation ["R.N."] "RN". No other person shall use the title "Registered Professional Nurse" or the abbreviation ["R.N."] "RN". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse.

2. Any person who holds a license to practice practical nursing in this state may use the title "Licensed Practical Nurse" and the abbreviation ["L.P.N."] "LPN". No other person shall use the title "Licensed Practical Nurse" or the abbreviation ["L.P.N."] "LPN". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse.

3. Any person who holds a license [or recognition] to practice advanced practice nursing in this state may use the title "Advanced Practice Registered Nurse", the designations of "certified registered nurse anesthetist", "certified nurse midwife", "certified clinical nurse specialist", and "certified nurse practitioner", and the [abbreviation] abbreviations "APRN", [and any other title designations appearing on his or her license] "CRNA", "CNM", "CNS", and "NP", respectively. No other person shall use the title "Advanced Practice Registered Nurse" or the abbreviation "APRN". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is an advanced practice registered nurse.

4. No person shall practice or offer to practice professional nursing, practical nursing, or advanced practice nursing in this state or use any title, sign, abbreviation, card, or device to indicate that such person is a practicing professional nurse, practical nurse, or advanced practice nurse unless he or she has been duly licensed under the provisions of this chapter.

5. In the interest of public safety and consumer awareness, it is unlawful for any person to use the title "nurse" in reference to himself or herself in any capacity, except individuals who are or have been licensed as a registered nurse, licensed practical nurse, or advanced practice registered nurse under this chapter.

6. Notwithstanding any law to the contrary, nothing in this chapter shall prohibit a Christian Science nurse from using the title "Christian Science nurse", so long as such person provides only religious nonmedical services when offering or providing such services to those who choose to rely upon healing by spiritual means alone and does not hold his or her own religious organization and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist, or nurse anesthetist, unless otherwise authorized by law to do so.

335.086. USE OF FRAUDULENT CREDENTIALS PROHIBITED. — No person, firm, corporation or association shall:

- (1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to furnish any nursing diploma, license, renewal or record or aid or abet therein;
- (2) Practice [professional or practical] nursing as defined by sections 335.011 to [335.096] 335.099 under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;
- (3) Practice [professional nursing or practical] nursing as defined by sections 335.011 to [335.096] 335.099 unless duly licensed to do so under the provisions of sections 335.011 to [335.096] 335.099;
- (4) Use in connection with his or her name any designation tending to imply that he or she is a licensed advanced practice registered nurse, a licensed registered professional nurse, or a licensed practical nurse unless duly licensed so to practice under the provisions of sections 335.011 to [335.096] 335.099;
- (5) Practice [professional nursing or practical] nursing during the time his or her license issued under the provisions of sections 335.011 to [335.096] 335.099 shall be suspended or revoked; or
- (6) Conduct a nursing education program for the preparation of professional or practical nurses unless the program has been accredited by the board.

335.175. UTILIZATION OF TELEHEALTH BY NURSES ESTABLISHED. — 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the "Utilization of Telehealth by Nurses". An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth [in the care of the patient and if the services are provided in a rural area of need.] Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, "telehealth" shall have the same meaning as such term is defined in section 191.1145.

[3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. For purposes of this section, "rural area of need" means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.]

335.203. NURSING EDUCATION INCENTIVE PROGRAM ESTABLISHED — GRANTS AUTHORIZED, ELIGIBILITY — ADMINISTRATION — RULEMAKING AUTHORITY. — 1. There is hereby established the "Nursing Education Incentive Program" within the state board of nursing.

2. Subject to appropriation and board disbursement, grants shall be awarded through the nursing education incentive program to eligible institutions of higher education based on criteria jointly determined by the board and the department of higher education and workforce development. [Grant award amounts shall not exceed one hundred fifty thousand dollars.] No campus shall receive more than one grant per year.

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Matter underscored is proposed language.

3. To be considered for a grant, an eligible institution of higher education shall offer a program of nursing that meets the predetermined category and area of need as established by the board and the department under subsection 4 of this section.

4. The board and the department shall determine categories and areas of need for designating grants to eligible institutions of higher education. In establishing categories and areas of need, the board and department may consider criteria including, but not limited to:

(1) Data generated from licensure renewal data and the department of health and senior services; and

(2) National nursing statistical data and trends that have identified nursing shortages.

5. The board shall be the administrative agency responsible for implementation of the program established under sections 335.200 to 335.203, and shall promulgate reasonable rules for the exercise of its functions and the effectuation of the purposes of sections 335.200 to 335.203. The board shall, by rule, prescribe the form, time, and method of filing applications and shall supervise the processing of such applications.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

335.205. LICENSURE, SURCHARGE, AMOUNT. — The board, in addition to any other duties it may have regarding licensure of nurses, shall collect, at the time of any initial license application or license renewal application, a nursing education incentive program surcharge from each person licensed or relicensed under chapter 335, in the amount of one dollar per year for practical nurses and five dollars per year for registered professional nurses. These funds shall be deposited in the state board of nursing fund described in section 335.036.

337.510. REQUIREMENTS FOR LICENSURE — DEFINITIONS — RECIPROCITY — PROVISIONAL PROFESSIONAL COUNSELOR LICENSE ISSUED, WHEN, REQUIREMENTS — RENEWAL LICENSE FEE. — 1. As used in this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. Such term also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "Resident military spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Each applicant for licensure as a professional counselor shall furnish evidence to the committee that the applicant is at least eighteen years of age, is a United States citizen or is legally present in the United States; and

(1) The applicant has completed a course of study as defined by the board rule leading to a master's, specialist's, or doctoral degree with a major in counseling, except any applicant who has held a license as a professional counselor in this state or currently holds a license as a professional counselor in another state shall not be required to have completed any courses related to career development; and

(2) The applicant has completed acceptable supervised counseling as defined by board rule. If the applicant has a master's degree with a major in counseling as defined by board rule, the applicant shall complete at least two years of acceptable supervised counseling experience subsequent to the receipt of the master's degree. The composition and number of hours comprising the acceptable supervised counseling experience shall be defined by board rule. An applicant may substitute thirty semester hours of post master's graduate study for one of the two required years of acceptable supervised counseling experience if such hours are clearly related to counseling;

(3) After August 28, 2007, each applicant shall have completed a minimum of three hours of graduate level coursework in diagnostic systems either in the curriculum leading to a degree or as post master's graduate level course work;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, and professional affairs and ethics.

[2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States to practice as a professional counselor who does not meet the requirements in section 324.009 and who is at least eighteen years of age, and is a United States citizen or is legally present in the United States may be granted a license without examination to engage in the practice of professional counseling in this state upon the application to the board, payment of the required fee as established by the board, and satisfying one of the following requirements:

(1) Approval by the American Association of State Counseling Boards (AASCB) or its successor organization according to the eligibility criteria established by AASCB. The successor organization shall be defined by board rule; or

(2) In good standing and currently certified by the National Board for Certified Counselors or its successor organization and has completed acceptable supervised counseling experience as defined by board rule. The successor organization shall be defined by board rule.]

3. (1) Any person who holds a valid current professional counselor license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit an application for a professional counselor license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction, to the committee.

(2) The committee shall:

(a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other state verifies that the person met those requirements in order to be licensed or certified in that state. The committee may require an applicant to take and pass an examination specific to the laws of this state; or

(b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this section.

(3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by a committee outside the state; who is

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currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with a committee outside the state; who does not hold a license in good standing with a committee outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this section.

(b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

(4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.525.

(5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed professional counselor in this state.

(6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.

4. The committee shall issue a license to each person who files an application and fee and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of this act and has taken and passed a written, open-book examination on Missouri laws and regulations governing the practice of professional counseling as defined in section 337.500. The division shall issue a provisional professional counselor license to any applicant who meets all requirements of this section, but who has not completed the required acceptable supervised counseling experience and such applicant may reapply for licensure as a professional counselor upon completion of such acceptable supervised counseling experience.

[4.] 5. All persons licensed to practice professional counseling in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as required by rule, including two hours of suicide assessment, referral, treatment, and management training, which shall be no more than forty hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of the illness of the licensee or for other good cause.

337.550. LICENSED PROFESSIONAL COUNSELORS INTERSTATE COMPACT. — SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of Licensed Professional Counselors with the goal of improving public access to Professional Counseling services. The practice of Professional Counseling occurs in the State where the client is located at the time of the counseling services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

A. Increase public access to Professional Counseling services by providing for the mutual recognition of other Member State licenses;

B. Enhance the States' ability to protect the public's health and safety;

C. Encourage the cooperation of Member States in regulating multistate practice for Licensed Professional Counselors;

D. Support spouses of relocating Active Duty Military personnel;

E. Enhance the exchange of licensure, investigative, and disciplinary information among Member States;

F. Allow for the use of Telehealth technology to facilitate increased access to Professional Counseling services;

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G. Support the uniformity of Professional Counseling licensure requirements throughout the States to promote public safety and public health benefits;

H. Invest all Member States with the authority to hold a Licensed Professional Counselor accountable for meeting all State practice laws in the State in which the client is located at the time care is rendered through the mutual recognition of Member State licenses;

I. Eliminate the necessity for licenses in multiple States; and

J. Provide opportunities for interstate practice by Licensed Professional Counselors who meet uniform licensure requirements.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

B. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a licensing board or other authority against a Licensed Professional Counselor, including actions against an individual's license or Privilege to Practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other Encumbrance on licensure affecting a Licensed Professional Counselor's authorization to practice, including issuance of a cease and desist action.

C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Professional Counseling Licensing Board to address Impaired Practitioners.

D. "Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

E. "Counseling Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact.

F. "Current Significant Investigative Information" means:

1. Investigative Information that a Licensing Board, after a preliminary inquiry that includes notification and an opportunity for the Licensed Professional Counselor to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

2. Investigative Information that indicates that the Licensed Professional Counselor represents an immediate threat to public health and safety regardless of whether the Licensed Professional Counselor has been notified and had an opportunity to respond.

G. "Data System" means a repository of information about Licensees, including, but not limited to, continuing education, examination, licensure, investigative, Privilege to Practice and Adverse Action information.

H. "Encumbered License" means a license in which an Adverse Action restricts the practice of licensed Professional Counseling by the Licensee and said Adverse Action has been reported to the National Practitioners Data Bank (NPDB).

I. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Licensed Professional Counseling by a Licensing Board.

J. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

K. "Home State" means the Member State that is the Licensee's primary State of residence.

L. "Impaired Practitioner" means an individual who has a condition(s) that may impair their ability to practice as a Licensed Professional Counselor without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

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M. "Investigative Information" means information, records, and documents received or generated by a Professional Counseling Licensing Board pursuant to an investigation.

N. "Jurisprudence Requirement" if required by a Member State, means the assessment of an individual's knowledge of the laws and Rules governing the practice of Professional Counseling in a State.

O. "Licensed Professional Counselor" means a counselor licensed by a Member State, regardless of the title used by that State, to independently assess, diagnose, and treat behavioral health conditions.

P. "Licensee" means an individual who currently holds an authorization from the State to practice as a Licensed Professional Counselor.

Q. "Licensing Board" means the agency of a State, or equivalent, that is responsible for the licensing and regulation of Licensed Professional Counselors.

R. "Member State" means a State that has enacted the Compact.

S. "Privilege to Practice" means a legal authorization, which is equivalent to a license, permitting the practice of Professional Counseling in a Remote State.

T. "Professional Counseling" means the assessment, diagnosis, and treatment of behavioral health conditions by a Licensed Professional Counselor.

U. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Privilege to Practice.

V. "Rule" means a regulation promulgated by the Commission that has the force of law.

W. "Single State License" means a Licensed Professional Counselor license issued by a Member State that authorizes practice only within the issuing State and does not include a Privilege to Practice in any other Member State.

X. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Professional Counseling.

Y. "Telehealth" means the application of telecommunication technology to deliver Professional Counseling services remotely to assess, diagnose, and treat behavioral health conditions.

Z. "Unencumbered License" means a license that authorizes a Licensed Professional Counselor to engage in the full and unrestricted practice of Professional Counseling.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To Participate in the Compact, a State must currently:

1. License and regulate Licensed Professional Counselors;
2. Require Licensees to pass a nationally recognized exam approved by the Commission;
3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master's degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course work including the following topic areas:
 - a. Professional Counseling Orientation and Ethical Practice;
 - b. Social and Cultural Diversity;
 - c. Human Growth and Development;
 - d. Career Development;
 - e. Counseling and Helping Relationships;
 - f. Group Counseling and Group Work;
 - g. Diagnosis and Treatment; Assessment and Testing;
 - h. Research and Program Evaluation; and
 - i. Other areas as determined by the Commission.
4. Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission;
5. Have a mechanism in place for receiving and investigating complaints about Licensees.

B. A Member State shall:

1. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

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2. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;

3. Implement or utilize procedures for considering the criminal history records of applicants for an initial Privilege to Practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

a. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions.

b. Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544.

4. Comply with the Rules of the Commission;

5. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws;

6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered License in another Member State in accordance with the terms of the Compact and Rules; and

7. Provide for the attendance of the State's commissioner to the Counseling Compact Commission meetings.

C. Member States may charge a fee for granting the Privilege to Practice.

D. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single State License as provided under the laws of each Member State. However, the Single State License granted to these individuals shall not be recognized as granting a Privilege to Practice Professional Counseling in any other Member State.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

F. A license issued to a Licensed Professional Counselor by a Home State to a resident in that State shall be recognized by each Member State as authorizing a Licensed Professional Counselor to practice Professional Counseling, under a Privilege to Practice, in each Member State.

SECTION 4. PRIVILEGE TO PRACTICE

A. To exercise the Privilege to Practice under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;

2. Have a valid United States Social Security Number or National Practitioner Identifier;

3. Be eligible for a Privilege to Practice in any Member State in accordance with Section 4(D), (G) and (H);

4. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years;

5. Notify the Commission that the Licensee is seeking the Privilege to Practice within a Remote State(s);

6. Pay any applicable fees, including any State fee, for the Privilege to Practice;

7. Meet any Continuing Competence/Education requirements established by the Home State;

8. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Privilege to Practice; and

9. Report to the Commission any Adverse Action, Encumbrance, or restriction on license taken by any non-Member State within 30 days from the date the action is taken.

B. The Privilege to Practice is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4(A) to maintain the Privilege to Practice in the Remote State.

C. A Licensee providing Professional Counseling in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

D. A Licensee providing Professional Counseling services in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Privilege to Practice in any Member State until the specific time for removal has passed and all fines are paid.

E. If a Home State license is encumbered, the Licensee shall lose the Privilege to Practice in any Remote State until the following occur:

1. The Home State license is no longer encumbered; and
2. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

F. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4(A) to obtain a Privilege to Practice in any Remote State.

G. If a Licensee's Privilege to Practice in any Remote State is removed, the individual may lose the Privilege to Practice in all other Remote States until the following occur:

1. The specific period of time for which the Privilege to Practice was removed has ended;
2. All fines have been paid; and
3. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

H. Once the requirements of Section 4(G) have been met, the Licensee must meet the requirements in Section 4(A) to obtain a Privilege to Practice in a Remote State.

SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO PRACTICE

A. A Licensed Professional Counselor may hold a Home State license, which allows for a Privilege to Practice in other Member States, in only one Member State at a time.

B. If a Licensed Professional Counselor changes primary State of residence by moving between two Member States:

1. The Licensed Professional Counselor shall file an application for obtaining a new Home State license based on a Privilege to Practice, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license by virtue of a Privilege to Practice, the new Home State shall verify that the Licensed Professional Counselor meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

a. a Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;

b. other criminal background check as required by the new Home State; and

c. completion of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Privilege to Practice once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Licensed Professional Counselor cannot meet the criteria in Section 4, the new Home State may apply its requirements for issuing a new Single State License.

5. The Licensed Professional Counselor shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If a Licensed Professional Counselor changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States, however for the purposes of this Compact, a Licensee shall have only one Home State license.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active Duty Military personnel, or their spouse, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in the new State, or through the process outlined in Section 5.

SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

A. Member States shall recognize the right of a Licensed Professional Counselor, licensed by a Home State in accordance with Section 3 and under Rules promulgated by the Commission, to practice Professional Counseling in any Member State via Telehealth under a Privilege to Practice as provided in the Compact and Rules promulgated by the Commission.

B. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

SECTION 8. ADVERSE ACTIONS

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against a Licensed Professional Counselor's Privilege to Practice within that Member State, and

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

3. Only the Home State shall have the power to take Adverse Action against a Licensed Professional Counselor's license issued by the Home State.

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Licensed Professional Counselor who changes primary State of residence during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the coordinated licensure information system shall promptly notify the new Home State of any Adverse Actions.

D. A Member State, if otherwise permitted by State law, may recover from the affected Licensed Professional Counselor the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensed Professional Counselor.

E. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

F. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective Professional Counseling practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If Adverse Action is taken by the Home State against the license of a Licensed Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against the license of a Licensed Professional Counselor shall include a Statement that the Licensed Professional Counselor's Privilege to Practice is deactivated in all Member States during the pendency of the order.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint public agency known as the Counseling Compact Commission:

1. The Commission is an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.

2. The delegate shall be either:

a. A current member of the Licensing Board at the time of appointment, who is a Licensed Professional Counselor or public member; or

b. An administrator of the Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

4. The Member State Licensing Board shall fill any vacancy occurring on the Commission within 60 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

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8. The Commission shall by Rule establish a term of office for delegates and may by Rule establish term limits.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

5. Promulgate Rules which shall be binding to the extent and in the manner provided for in the Compact;

6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an Executive Committee; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Professional Counseling licensure and practice.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

2. The Executive Committee shall be composed of up to eleven (11) members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission; and

b. Up to four (4) ex-officio, nonvoting members from four (4) recognized national professional counselor organizations.

c. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Privilege to Practice;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in Rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 11.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or Member State statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for

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which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 10. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

B. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a license or Privilege to Practice;
4. Non-confidential information related to Alternative Program participation;
5. Any denial of application for licensure, and the reason(s) for such denial;
6. Current Significant Investigative Information; and

7. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

D. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

E. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

F. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 11. RULEMAKING

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its Rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force or effect.

B. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and
2. On the website of each Member State Professional Counseling Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.

F. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;
2. The text of the proposed Rule or amendment and the reason for the proposed Rule;
3. A request for comments on the proposed Rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A State or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or

4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

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1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:

- a. Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and
- b. Provide remedial training and specific technical assistance regarding the default.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

G. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

H. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

I. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State.

Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Professional Counseling Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any Professional Counseling licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 14. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations, including scope of practice, of the Remote State.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws properly promulgated by the Commission, are binding upon the Member States.

E. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

337.615. EDUCATION, EXPERIENCE REQUIREMENTS — DEFINITIONS — RECIPROCITY — LICENSES ISSUED, WHEN. — 1. As used in this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will

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be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

(5) "Resident military spouse", a spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Each applicant for licensure as a clinical social worker shall furnish evidence to the committee that:

(1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has completed at least three thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed at least four thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;

(3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee; and

(4) The applicant is at least eighteen years of age, is a United States citizen or has status as a legal resident alien, and has not been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence has been imposed.

[2.Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice clinical social work who does not meet the requirements of section 324.009 and who has had no disciplinary action taken against the license, certificate of registration, or permit for the preceding five years may be granted a license to practice clinical social work in this state if the person has received a masters or doctoral degree from a college or university program of social work accredited by the council of social work education and has been licensed to practice clinical social work for the preceding five years.]

3. (1) Any person who holds a valid current clinical social work license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit to the committee an application for a clinical social work license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.

(2) The committee shall:

(a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The committee may require an applicant to take and pass an examination specific to the laws of this state; or

(b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational,

or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this subsection.

(3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this section.

(b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

(4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.630.

(5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed clinical social worker in this state.

(6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.

4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection [1] 2 of this section [or with the provisions of subsection 2 of this section].

337.644. DEFINITIONS — APPLICATION, CONTENTS — ISSUANCE OF LICENSE, WHEN — RECIPROCITY. — 1. As used in this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

(5) "Resident military spouse", a spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Each applicant for licensure as a master social worker shall furnish evidence to the committee that:

(1) The applicant has a master's or doctorate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social workers;

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(3) The applicant is at least eighteen years of age, is a United States citizen or has status as a legal resident alien, and has not been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless [or] of whether or not sentence is imposed;

(4) The applicant has submitted a written application on forms prescribed by the state board; and

(5) The applicant has submitted the required licensing fee, as determined by the committee.

[2.] 3. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

[3.] 4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection [1] 2 of this section. The license shall refer to the individual as a licensed master social worker and shall recognize that individual's right to practice licensed master social work as defined in section 337.600.

5. (1) Any person who holds a valid current master social work license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit to the committee an application for a master social work license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.

(2) The committee shall:

(a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The committee may require an applicant to take and pass an examination specific to the laws of this state; or

(b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this subsection.

(3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this section.

(b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

(4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.630.

(5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed master social worker in this state.

(6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.

337.665. INFORMATION REQUIRED TO BE FURNISHED COMMITTEE — CERTIFICATE TO PRACTICE INDEPENDENTLY ISSUED, WHEN — RECIPROCITY. — 1. As used in this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

(5) "Resident military spouse", a spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Each applicant for licensure as a baccalaureate social worker shall furnish evidence to the committee that:

(1) The applicant has a baccalaureate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social work;

(3) The applicant is at least eighteen years of age, is a United States citizen or has status as a legal resident alien, and has not been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(4) The applicant has submitted a written application on forms prescribed by the state board; and

(5) The applicant has submitted the required licensing fee, as determined by the committee.

[2.] 3. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure pursuant to section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

[3.] 4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection [1.] 2 of this section.

[4.] 5. The committee shall issue a certificate to practice independently under subsection 3 of section 337.653 to any licensed baccalaureate social worker who has satisfactorily completed three thousand hours of supervised experience with a qualified baccalaureate supervisor in no less than twenty-four months and no more than forty-eight consecutive calendar months.

6. (1) Any person who holds a valid current baccalaureate social work license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and

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Matter underscored is proposed language.

who has been licensed for at least one year in such other jurisdiction, may submit to the committee an application for a baccalaureate social work license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.

(2) The committee shall:

(a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The committee may require an applicant to take and pass an examination specific to the laws of this state; or

(b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this subsection.

(3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this section.

(b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

(4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.630.

(5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed baccalaureate social worker in this state.

(6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.

337.1000. PURPOSE. — 1. Sections 337.1000 to 337.1075 shall be known and may be cited as the "Social Work Licensure Compact".

2. The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers by improving public access to competent Social Work Services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

3. This Compact is designed to achieve the following objectives:

(1) Increase public access to Social Work Services;

(2) Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;

(3) Enhance the Member States' ability to protect the public's health and safety;

(4) Encourage the cooperation of Member States in regulating multistate practice;

(5) Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States by providing for the mutual recognition of other Member State licenses;

(6) Support military families;

(7) Facilitate the exchange of licensure and disciplinary information among Member States;

(8) Authorize all Member States to hold a Regulated Social Worker accountable for abiding by a Member State's laws, regulations, and applicable professional standards in the Member State in which the client is located at the time care is rendered; and

(9) Allow for the use of telehealth to facilitate increased access to regulated Social Work Services.

337.1005. DEFINITIONS. — As used in this Compact, and except as otherwise provided, the following definitions shall apply:

(1) "Active Military Member" means any individual with full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.

(2) "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Regulated Social Worker's authorization to practice, including issuance of a cease and desist action.

(3) "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority to address practitioners with an Impairment.

(4) "Charter Member States" means Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as described in section 337.1065.

(5) "Compact Commission" or "Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Social Work Licensure Compact Commission, as described in section 337.1045, and which shall operate as an instrumentality of the Member States.

(6) "Current Significant Investigative Information" means:

(a) Investigative information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the Regulated Social Worker to respond has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the Commission; or

(b) Investigative information that indicates that the Regulated Social Worker represents an immediate threat to public health and safety, as may be defined by the Commission, regardless of whether the Regulated Social Worker has been notified and has had an opportunity to respond.

(7) "Data System" means a repository of information about Licensees, including, continuing education, examination, licensure, Current Significant Investigative Information, Disqualifying Event, Multistate License(s) and Adverse Action information or other information as required by the Commission.

(8) "Domicile" means the jurisdiction in which the Licensee resides and intends to remain indefinitely.

(9) "Disqualifying Event" means any Adverse Action or incident which results in an Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain or renew a Multistate License.

(10) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Social Work licensed and regulated by a Licensing Authority.

(11) "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the compact and Commission.

(12) "Home State" means the Member State that is the Licensee's primary Domicile.

(13) "Impairment" means a condition(s) that may impair a practitioner's ability to engage in full and unrestricted practice as a Regulated Social Worker without some type of intervention and may include alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

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(14) "Licensee(s)" means an individual who currently holds a license from a State to practice as a Regulated Social Worker.

(15) "Licensing Authority" means the board or agency of a Member State, or equivalent, that is responsible for the licensing and regulation of Regulated Social Workers.

(16) "Member State" means a state, commonwealth, district, or territory of the United States of America that has enacted this Compact.

(17) "Multistate Authorization to Practice" means a legally authorized privilege to practice, which is equivalent to a license, associated with a Multistate License permitting the practice of Social Work in a Remote State.

(18) "Multistate License" means a license to practice as a Regulated Social Worker issued by a Home State Licensing Authority that authorizes the Regulated Social Worker to practice in all Member States under Multistate Authorization to Practice.

(19) "Qualifying National Exam" means a national licensing examination approved by the Commission.

(20) "Regulated Social Worker" means any clinical, master's or bachelor's Social Worker licensed by a Member State regardless of the title used by that Member State.

(21) "Remote State" means a Member State other than the Licensee's Home State.

(22) "Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations duly promulgated by the Commission, as authorized by the Compact, that has the force of law.

(23) "Single State License" means a Social Work license issued by any State that authorizes practice only within the issuing State and does not include Multistate Authorization to Practice in any Member State.

(24) "Social Work" or "Social Work Services" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a Regulated Social Worker as set forth in the Member State's statutes and regulations in the State where the services are being provided.

(25) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Social Work.

(26) "Unencumbered License" means a license that authorizes a Regulated Social Worker to engage in the full and unrestricted practice of Social Work.

337.1010. STATE PARTICIPATION IN THE COMPACT. — 1. To be eligible to participate in the compact, a potential Member State must currently meet all of the following criteria:

(1) License and regulate the practice of Social Work at either the clinical, master's, or bachelor's category.

(2) Require applicants for licensure to graduate from a program that is:

(a) Operated by a college or university recognized by the Licensing Authority;

(b) Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:

a. the Council for Higher Education Accreditation, or its successor; or

b. the United States Department of Education; and

(c) Corresponds to the licensure sought as outlined in section 337.1015.

(3) Require applicants for clinical licensure to complete a period of supervised practice.

(4) Have a mechanism in place for receiving, investigating, and adjudicating complaints about Licensees.

2. To maintain membership in the Compact a Member State shall:

(1) Require that applicants for a Multistate License pass a Qualifying National Exam for the corresponding category of Multistate License sought as outlined in section 337.1015;

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(2) Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

(3) Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;

(4) Implement procedures for considering the criminal history records of applicants for a Multistate License. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

(5) Comply with the Rules of the Commission;

(6) Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable Home State laws;

(7) Authorize a Licensee holding a Multistate License in any Member State to practice in accordance with the terms of the Compact and Rules of the Commission; and

(8) Designate a delegate to participate in the Commission meetings.

3. A Member State meeting the requirements of subsections 1 and 2 of this section shall designate the categories of Social Work licensure that are eligible for issuance of a Multistate License for applicants in such Member State. To the extent that any Member State does not meet the requirements for participation in the Compact at any particular category of Social Work licensure, such Member State may choose, but is not obligated to, issue a Multistate License to applicants that otherwise meet the requirements of section 337.1015 for issuance of a Multistate License in such category or categories of licensure.

4. The Home State may charge a fee for granting the Multistate License.

337.1015. SOCIAL WORKER PARTICIPATION IN THE COMPACT. — 1. To be eligible for a Multistate License under the terms and provisions of the Compact, an applicant, regardless of category must:

(1) Hold or be eligible for an active, Unencumbered License in the Home State;

(2) Pay any applicable fees, including any State fee, for the Multistate License;

(3) Submit, in connection with an application for a Multistate License, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

(4) Notify the Home State of any Adverse Action, Encumbrance, or restriction on any professional license taken by any Member State or non-Member State within 30 days from the date the action is taken;

(5) Meet any continuing competence requirements established by the Home State;

(6) Abide by the laws, regulations, and applicable standards in the Member State where the client is located at the time care is rendered.

2. An applicant for a clinical-category Multistate License must meet all of the following requirements:

(1) Fulfill a competency requirement, which shall be satisfied by either:

(a) Passage of a clinical-category Qualifying National Exam; or

(b) Licensure of the applicant in their Home State at the clinical category, beginning prior to such time as a Qualifying National Exam was required by the Home State and accompanied by a period of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

(c) The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

- (2) Attain at least a master's degree in Social Work from a program that is:
(a) Operated by a college or university recognized by the Licensing Authority; and
(b) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency
recognized by either:
a. the Council for Higher Education Accreditation or its successor; or
b. the United States Department of Education.
(3) Fulfill a practice requirement, which shall be satisfied by demonstrating completion of either:
(a) A period of postgraduate supervised clinical practice equal to a minimum of three thousand
hours; or
(b) A minimum of two years of full-time postgraduate supervised clinical practice; or
(c) The substantial equivalency of the foregoing practice requirements which the Commission may
determine by Rule.
3. An applicant for a master's-category Multistate License must meet all of the following
requirements:
(1) Fulfill a competency requirement, which shall be satisfied by either:
(a) Passage of a masters-category Qualifying National Exam;
(b) Licensure of the applicant in their Home State at the master's category, beginning prior to such
time as a Qualifying National Exam was required by the Home State at the master's category and
accompanied by a continuous period of Social Work licensure thereafter, all of which may be further
governed by the Rules of the Commission; or
(c) The substantial equivalency of the foregoing competency requirements which the Commission
may determine by Rule.
(2) Attain at least a master's degree in Social Work from a program that is:
(a) Operated by a college or university recognized by the Licensing Authority; and
(b) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency
recognized by either:
a. the Council for Higher Education Accreditation or its successor; or
b. the United States Department of Education.
4. An applicant for a bachelor's-category Multistate License must meet all of the following
requirements:
(1) Fulfill a competency requirement, which shall be satisfied by either:
(a) Passage of a bachelor's-category Qualifying National Exam;
(b) Licensure of the applicant in their Home State at the bachelor's category, beginning prior to
such time as a Qualifying National Exam was required by the Home State and accompanied by a period
of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of
the Commission; or
(c) The substantial equivalency of the foregoing competency requirements which the Commission
may determine by Rule.
(2) Attain at least a bachelor's degree in Social Work from a program that is:
(a) Operated by a college or university recognized by the Licensing Authority; and
(b) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency
recognized by either:
a. the Council for Higher Education Accreditation or its successor; or
b. the United States Department of Education.
5. The Multistate License for a Regulated Social Worker is subject to the renewal requirements of
the Home State. The Regulated Social Worker must maintain compliance with the requirements of
subsection 1 of this section to be eligible to renew a Multistate License.
6. The Regulated Social Worker's services in a Remote State are subject to that Member State's
regulatory authority. A Remote State may, in accordance with due process and that Member State's

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laws, remove a Regulated Social Worker's Multistate Authorization to Practice in the Remote State for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens.

7. If a Multistate License is encumbered, the Regulated Social Worker's Multistate Authorization to Practice shall be deactivated in all Remote States until the Multistate License is no longer encumbered.

8. If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated Social Worker's Multistate Authorization to Practice may be deactivated in that State until the Multistate Authorization to Practice is no longer encumbered.

337.1020. ISSUANCE OF A MULTISTATE LICENSE. — 1. Upon receipt of an application for a Multistate License, the Home State Licensing Authority shall determine the applicant's eligibility for a Multistate License in accordance with section 337.1015 of this Compact.

2. If such applicant is eligible pursuant to section 337.1015 of this Compact, the Home State Licensing Authority shall issue a Multistate License that authorizes the applicant or Regulated Social Worker to practice in all Member States under a Multistate Authorization to Practice.

3. Upon issuance of a Multistate License, the Home State Licensing Authority shall designate whether the Regulated Social Worker holds a Multistate License in the Bachelors, Masters, or Clinical category of Social Work.

4. A Multistate License issued by a Home State to a resident in that State shall be recognized by all Compact Member States as authorizing Social Work Practice under a Multistate Authorization to Practice corresponding to each category of licensure regulated in each Member State.

337.1025. AUTHORITY OF AN INTERSTATE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES. — 1. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the practice of Social Work in that State, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

2. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

3. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to take Adverse Action against a Licensee's Single State License to practice Social Work in that State.

4. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse Action against a Licensee's Multistate Authorization to Practice in that State.

5. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action against a Licensee's Multistate License based upon information provided by a Remote State.

337.1030. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE. — 1. A Licensee can hold a Multistate License, issued by their Home State, in only one Member State at any given time.

2. If a Licensee changes their Home State by moving between two Member States:

(1) The Licensee shall immediately apply for the reissuance of their Multistate License in their new Home State. The Licensee shall pay all applicable fees and notify the prior Home State in accordance with the Rules of the Commission.

(2) Upon receipt of an application to reissue a Multistate License, the new Home State shall verify that the Multistate License is active, unencumbered and eligible for reissuance under the terms of the

Compact and the Rules of the Commission. The Multistate License issued by the prior Home State will be deactivated and all Member States notified in accordance with the applicable Rules adopted by the Commission.

(3) Prior to the reissuance of the Multistate License, the new Home State shall conduct procedures for considering the criminal history records of the Licensee. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records.

(4) If required for initial licensure, the new Home State may require completion of jurisprudence requirements in the new Home State.

(5) Notwithstanding any other provision of this Compact, if a Licensee does not meet the requirements set forth in this Compact for the reissuance of a Multistate License by the new Home State, then the Licensee shall be subject to the new Home State requirements for the issuance of a Single State License in that State.

3. If a Licensee changes their primary State of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, then the Licensee shall be subject to the State requirements for the issuance of a Single State License in the new Home State.

4. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State, and only one Multistate License.

5. Nothing in this Compact shall interfere with the requirements established by a Member State for the issuance of a Single State License.

337.1035. MILITARY FAMILIES. — An Active Military Member or their spouse shall designate a Home State where the individual has a Multistate License. The individual may retain their Home State designation during the period the service member is on active duty.

337.1040. ADVERSE ACTIONS. — 1. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

(1) Take Adverse Action against a Regulated Social Worker's Multistate Authorization to Practice only within that Member State, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

(2) Only the Home State shall have the power to take Adverse Action against a Regulated Social Worker's Multistate License.

2. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

3. The Home State shall complete any pending investigations of a Regulated Social Worker who changes their Home State during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.

4. A Member State, if otherwise permitted by State law, may recover from the affected Regulated Social Worker the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Regulated Social Worker.

5. A Member State may take Adverse Action based on the factual findings of another Member State, provided that the Member State follows its own procedures for taking the Adverse Action.

6. (1) In addition to the authority granted to a Member State by its respective Social Work practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

(2) Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

7. If Adverse Action is taken by the Home State against the Multistate License of a Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the Multistate License. All Home State disciplinary orders that impose Adverse Action against the license of a Regulated Social Worker shall include a statement that the Regulated Social Worker's Multistate Authorization to Practice is deactivated in all Member States until all conditions of the decision, order or agreement are satisfied.

8. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State and all other Member States of any Adverse Actions by Remote States.

9. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

10. Nothing in this Compact shall authorize a Member State to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another Member State for lawful actions within that Member State.

11. Nothing in this Compact shall authorize a Member State to impose discipline against a Regulated Social Worker who holds a Multistate Authorization to Practice for lawful actions within another Member State.

337.1045. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION. — 1.
The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the compact known as the Social Work Licensure Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in section 337.1065.

2. (1) Each Member State shall have and be limited to one (1) delegate selected by that Member State's State Licensing Authority.

(2) The delegate shall be either:

(a) A current member of the State Licensing Authority at the time of appointment, who is a Regulated Social Worker or public member of the State Licensing Authority; or

(b) An administrator of the State Licensing Authority or their designee.

(3) The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

(4) The Commission may recommend removal or suspension of any delegate from office.

(5) A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.

(6) Each delegate shall be entitled to one vote on all matters before the Commission requiring a vote by Commission delegates.

(7) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.

(8) The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.

3. The Commission shall have the following powers:

(1) Establish the fiscal year of the Commission;

(2) Establish code of conduct and conflict of interest policies;

(3) Establish and amend Rules and bylaws;

(4) Maintain its financial records in accordance with the bylaws;

(5) Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;

(6) Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

(7) Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;

(8) Purchase and maintain insurance and bonds;

(9) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

(10) Conduct an annual financial review;

(11) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(12) Assess and collect fees;

(13) Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

(14) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

(15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(16) Establish a budget and make expenditures;

(17) Borrow money;

(18) Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

(19) Provide and receive information from, and cooperate with, law enforcement agencies;

(20) Establish and elect an Executive Committee, including a chair and a vice chair;

(21) Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact; and

(22) Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

4. (1) The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

(a) Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its Rules and bylaws, and other such duties as deemed necessary;

(b) Recommend to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

(c) Ensure Compact administration services are appropriately provided, including by contract;

(d) Prepare and recommend the budget;

(e) Maintain financial records on behalf of the Commission;

(f) Monitor Compact compliance of Member States and provide compliance reports to the Commission;

(g) Establish additional committees as necessary;

(h) Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

(i) Other duties as provided in the Rules or bylaws of the Commission.

(2) The Executive Committee shall be composed of up to eleven (11) members:

(a) The chair and vice chair of the Commission shall be voting members of the Executive Committee; and

(b) The Commission shall elect five voting members from the current membership of the Commission.

(c) Up to four (4) ex-officio, nonvoting members from four (4) recognized national Social Work organizations.

(d) The ex-officio members will be selected by their respective organizations.

(3) The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

(4) The Executive Committee shall meet at least annually.

(a) Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subdivision (2) of subsection 6 of this section.

(b) The Executive Committee shall give seven (7) days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the Commission.

(c) The Executive Committee may hold a special meeting in accordance with paragraph (b) of subdivision (1) of subsection 6 of this section.

5. The Commission shall adopt and provide to the Member States an annual report.

6. (1) All meetings shall be open to the public, except that the Commission may meet in a closed, non-public meeting as provided in subdivision (2) of this subsection.

(a) Public notice for all meetings of the full Commission of meetings shall be given in the same manner as required under the Rulemaking provisions in section 337.1055, except that the Commission may hold a special meeting as provided in paragraph (b) of this subdivision.

(b) The Commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the Commission's website, and other means as provided in the Commission's Rules. The Commission's legal counsel shall certify that the Commission's need to meet qualifies as an emergency.

(2) The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting for the Commission or Executive Committee or other committees of the Commission to receive legal advice or to discuss:

(a) Non-compliance of a Member State with its obligations under the Compact;

(b) The employment, compensation, discipline or other matters, practices or procedures related to specific employees;

(c) Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;

(d) Current, threatened, or reasonably anticipated litigation;

(e) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(f) Accusing any person of a crime or formally censuring any person;

(g) Trade secrets or commercial or financial information that is privileged or confidential;

(h) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(i) Investigative records compiled for law enforcement purposes;

(j) Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

(k) Matters specifically exempted from disclosure by federal or Member State law; or

(l) Other matters as promulgated by the Commission by Rule.

(3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(4) The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

7. (1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The Commission may accept any and all appropriate revenue sources as provided in subdivision (13) of subsection 3 of this section.

(3) The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Multistate License to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Commission shall promulgate by Rule.

(4) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

(5) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

8. (1) The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or

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wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

(5) Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Commission.

337.1050. DATA SYSTEM. — 1. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated Data System.

2. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.

3. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

(1) Identifying information;

(2) Licensure data;

(3) Adverse Actions against a license and information related thereto;

(4) Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;

(5) Any denial of application for licensure, and the reason or reasons for such denial;

(6) The presence of Current Significant Investigative Information; and

(7) Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

4. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.

5. (1) Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

(2) It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the database to determine whether Adverse Action has been taken against a Licensee. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

6. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

7. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

337.1055. RULEMAKING. — 1. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

2. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's laws, regulations, and applicable standards that govern the practice of Social Work as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

3. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day following adoption or the date specified in the rule or amendment, whichever is later.

4. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

5. Rules shall be adopted at a regular or special meeting of the Commission.

6. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

7. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

(1) On the website of the Commission or other publicly accessible platform;

(2) To persons who have requested notice of the Commission's notices of proposed rulemaking; and

(3) In such other way(s) as the Commission may by Rule specify.

8. The Notice of Proposed Rulemaking shall include:

(1) The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;

(2) If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;

(3) The text of the proposed Rule and the reason therefor;

(4) A request for comments on the proposed Rule from any interested person; and

(5) The manner in which interested persons may submit written comments.

9. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

10. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

11. The Commission shall, by majority vote of all members, take final action on the proposed Rule based on the Rulemaking record and the full text of the Rule.

(1) The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

(2) The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

(3) The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in subsection 12 of this section, the effective date of the rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

12. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with 48 hours' notice, with opportunity to comment, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of Commission or Member State funds;

(3) Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or

(4) Protect public health and safety.

13. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

14. No Member State's rulemaking requirements shall apply under this compact.

337.1060. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. — 1. (1) The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

(2) Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct or any such similar matter.

(3) The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

2. (1) If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall

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provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

(2) The Commission shall provide a copy of the notice of default to the other Member States.

3. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

4. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.

5. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

6. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of six (6) months after the date of said notice of termination.

7. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

8. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

9. (1) Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

(2) The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

10. (1) By majority vote as provided by Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.

(2) A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) No person other than a Member State shall enforce this compact against the Commission.

337.1065. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT. — 1. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

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(1) On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

(a) A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in section 337.1060.

(b) If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.

(2) Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in subdivision (21) of subsection 3 of section 337.1045 to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

(3) All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

(4) Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

2. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

(1) A Member State's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing from this compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

3. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

4. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

337.1070. CONSTRUCTION AND SEVERABILITY. — 1. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

2. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

3. Notwithstanding subsection 2 of this section, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of subsection 2 of section 337.1060, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

337.1075. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS. — 1. A Licensee providing services in a Remote State under a Multistate Authorization to Practice shall adhere to the laws and regulations, including laws, regulations, and applicable standards, of the Remote State where the client is located at the time care is rendered.

2. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

3. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

4. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

579.088. FENTANYL, DEVICES TO DETECT THE PRESENCE OF PERMITTED. — Notwithstanding any other provision of this chapter or chapter 195 to the contrary, it shall not be unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances to detect the presence of fentanyl or any synthetic controlled substance fentanyl analogue.

SECTION 1. ADVANCE HEALTH CARE DIRECTIVE FORM AND DIRECTIONS TO BE INCLUDED ON DEPARTMENT WEBSITE. — The department of health and senior services shall include on its website an advance health care directive form and directions for completing such form as described in section 459.015. The department shall include a listing of possible uses for an advance health care directive, including to limit pain control to nonopioid measures.

[191.500. DEFINITIONS. — As used in sections 191.500 to 191.550, unless the context clearly indicates otherwise, the following terms mean:

(1) "Area of defined need", a community or section of an urban area of this state which is certified by the department of health and senior services as being in need of the services of a physician to improve the patient-doctor ratio in the area, to contribute professional physician services to an area of economic impact, or to contribute professional physician services to an area suffering from the effects of a natural disaster;

(2) "Department", the department of health and senior services;

(3) "Eligible student", a full-time student accepted and enrolled in a formal course of instruction leading to a degree of doctor of medicine or doctor of osteopathy, including psychiatry, at a participating school, or a doctor of dental surgery, doctor of dental medicine, or a bachelor of science degree in dental hygiene;

(4) "Financial assistance", an amount of money paid by the state of Missouri to a qualified applicant pursuant to sections 191.500 to 191.550;

(5) "Participating school", an institution of higher learning within this state which grants the degrees of doctor of medicine or doctor of osteopathy, and which is accredited in the appropriate degree program by the American Medical Association or the American Osteopathic Association, or a degree program

by the American Dental Association or the American Psychiatric Association, and applicable residency programs for each degree type and discipline;

(6) "Primary care", general or family practice, internal medicine, pediatric , psychiatric, obstetric and gynecological care as provided to the general public by physicians licensed and registered pursuant to chapter 334, dental practice, or a dental hygienist licensed and registered pursuant to chapter 332;

(7) "Resident", any natural person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state;

(8) "Rural area", a town or community within this state which is not within a standard metropolitan statistical area, and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a standard metropolitan statistical area.]

[191.505. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER — MAY MAKE RULES AND REGULATIONS. — The department of health and senior services shall be the administrative agency for the implementation of the program established by sections 191.500 to 191.550. The department shall promulgate reasonable rules and regulations for the exercise of its functions in the effectuation of the purposes of sections 191.500 to 191.550. It shall prescribe the form and the time and method of filing applications and supervise the processing thereof.]

[191.510. CONTRACTS FOR LOANS TO INCLUDE TERMS. — The department shall enter into a contract with each applicant receiving a state loan under sections 191.500 to 191.550 for repayment of the principal and interest and for forgiveness of a portion thereof for participation in the service areas as provided in sections 191.500 to 191.550.]

[191.515. REQUIREMENTS FOR APPLICATION. — An eligible student may apply to the department for a loan under sections 191.500 to 191.550 only if, at the time of his application and throughout the period during which he receives the loan, he has been formally accepted as a student in a participating school in a course of study leading to the degree of doctor of medicine or doctor of osteopathy, including psychiatry, or a doctor of dental surgery, a doctor of dental medicine, or a bachelor of science degree in dental hygiene, and is a resident of this state.]

[191.520. MAXIMUM AMOUNT OF LOANS — SOURCE OF FUNDS. — No loan to any eligible student shall exceed twenty-five thousand dollars for each academic year, which shall run from August first of any year through July thirty-first of the following year. All loans shall be made from funds appropriated to the medical school loan and loan repayment program fund created by section 191.600, by the general assembly.]

[191.525. NUMBER OF LOANS AVAILABLE — TO WHOM — LENGTH OF LOANS. — No more than twenty-five loans shall be made to eligible students during the first academic year this program is in effect. Twenty-five new loans may be made for the next three academic years until a total of one hundred loans are available. At least one-half of the loans shall be made to students from rural areas as defined in section 191.500. An eligible student may receive loans for each academic year he is pursuing a course of study directly leading to a degree of doctor of medicine or doctor of osteopathy, doctor of dental surgery, or doctor of dental medicine, or a bachelor of science degree in dental hygiene.]

[191.530. INTEREST ON LOANS — REPAYMENT TERMS — TEMPORARY DEFERRAL. — Interest at the rate of nine and one-half percent per year shall be charged on all loans made under sections 191.500 to 191.550 but one-fourth of the interest and principal of the total loan at the time of the awarding of the degree shall be forgiven for each year of participation by an applicant in the practice of his profession in a rural area or an area of defined need. The department shall grant a deferral of interest

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and principal payments to a loan recipient who is pursuing an internship or a residency in primary care. The deferral shall not exceed three years. The status of each loan recipient receiving a deferral shall be reviewed annually by the department to ensure compliance with the intent of this provision. The loan recipient will repay the loan beginning with the calendar year following completion of his internship or his primary care residency in accordance with the loan contract.]

[191.535. TERMINATION OF COURSE OF STUDY, EFFECT. — If a student ceases his study prior to receiving a degree, interest at the rate specified in section 191.530 shall be charged on the amount received from the state under the provisions of sections 191.500 to 191.550.]

[191.540. REPAYMENT SCHEDULES — BREACH OF CONTRACT. — 1. The department shall establish schedules and procedures for repayment of the principal and interest of any loan made under the provisions of sections 191.500 to 191.550 and not forgiven as provided in section 191.530.

2. A penalty shall be levied against a person in breach of contract. Such penalty shall be twice the sum of the principal and the accrued interest.]

[191.545. RECOVERY — ACTIONS FOR. — When necessary to protect the interest of the state in any loan transaction under sections 191.500 to 191.550, the board may institute any action to recover any amount due.]

[191.550. APPROVAL OF CONTRACTS. — The contracts made with the participating students shall be approved by the attorney general.]

[335.212. DEFINITIONS. — As used in sections 335.212 to 335.242, the following terms mean:

- (1) "Board", the Missouri state board of nursing;
- (2) "Department", the Missouri department of health and senior services;
- (3) "Director", director of the Missouri department of health and senior services;
- (4) "Eligible student", a resident who has been accepted as a full-time student in a formal course of instruction leading to an associate degree, a diploma, a bachelor of science, a master of science in nursing (M.S.N.), a doctorate in nursing (Ph.D. or D.N.P.), or a student with a master of science in nursing seeking a doctorate in education (Ed.D.), or leading to the completion of educational requirements for a licensed practical nurse. The doctoral applicant may be a part-time student;
- (5) "Participating school", an institution within this state which is approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242, having a nursing department and offering a course of instruction based on nursing theory and clinical nursing experience;
- (6) "Qualified applicant", an eligible student approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242;
- (7) "Qualified employment", employment on a full-time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020 or in any agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section;
- (8) "Resident", any person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state.]

[335.215. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAMS — ADVISORY PANEL — MEMBERS — RULES, PROCEDURE. — 1. The department of health and senior services shall be the administrative agency for the implementation of the professional and

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Matter underscored is proposed language.

practical nursing student loan program established under sections 335.212 to 335.242, and the nursing student loan repayment program established under sections 335.245 to 335.259.

2. An advisory panel of nurses shall be appointed by the director. It shall be composed of not more than eleven members representing practical, associate degree, diploma, baccalaureate and graduate nursing education, community health, primary care, hospital, long-term care, a consumer, and the Missouri state board of nursing. The panel shall make recommendations to the director on the content of any rules, regulations or guidelines prior to their promulgation. The panel may make recommendations to the director regarding fund allocations for loans and loan repayment based on current nursing shortage needs.

3. The department of health and senior services shall promulgate reasonable rules and regulations for the exercise of its function pursuant to sections 335.212 to 335.259. It shall prescribe the form, the time and method of filing applications and supervise the proceedings thereof. No rule or portion of a rule promulgated under the authority of sections 335.212 to 335.257 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. Ninety-five percent of funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in professional nursing programs in participating schools and five percent of the funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in practical nursing programs. Priority shall be given to eligible students who have established financial need. All loan repayment funds pursuant to sections 335.245 to 335.259 shall be used to reimburse successful associate, diploma, baccalaureate or graduate professional nurse applicants' educational loans who agree to serve in areas of defined need as determined by the department.]

[335.218. NURSE LOAN REPAYMENT FUND ESTABLISHED — ADMINISTRATION. — There is hereby established the "Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund". All fees pursuant to section 335.221, general revenue appropriations to the student loan or loan repayment program, voluntary contributions to support or match the student loan and loan repayment program activities, funds collected from repayment and penalties, and funds received from the federal government shall be deposited in the state treasury and be placed to the credit of the professional and practical nursing student loan and nurse loan repayment fund. The fund shall be managed by the department of health and senior services and all administrative costs and expenses incurred as a result of the effectuation of sections 335.212 to 335.259 shall be paid from this fund.]

[335.221. EDUCATION SURCHARGE, AMOUNT, DEPOSIT IN NURSING STUDENT LOAN AND NURSE LOAN REPAYMENT FUND. — The board, in addition to any other duties it may have regarding licensure of nurses, shall collect, at the time of licensure or licensure renewal, an education surcharge from each person licensed or relicensed pursuant to sections 335.011 to 335.096, in the amount of one dollar per year for practical nurses and five dollars per year for professional nurses. These funds shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund. All expenditures authorized by sections 335.212 to 335.259 shall be paid from funds appropriated by the general assembly from the professional and practical nursing student loan and nurse loan repayment fund. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.]

[335.224. CONTRACTS FOR REPAYMENT OF LOANS. — The department of health and senior services shall enter into a contract with each qualified applicant receiving financial assistance under the provisions of sections 335.212 to 335.242 for repayment of the principal and interest.]

[335.227. ELIGIBILITY FOR LOAN. — An eligible student may apply to the department for financial assistance under the provisions of sections 335.212 to 335.242 if, at the time of his application for a loan, the eligible student has formally applied for acceptance at a participating school. Receipt of financial assistance is contingent upon acceptance and continued enrollment at a participating school.]

[335.230. FINANCIAL ASSISTANCE, AMOUNT. — Financial assistance to any qualified applicant shall not exceed ten thousand dollars for each academic year for a professional nursing program and shall not exceed five thousand dollars for each academic year for a practical nursing program. All financial assistance shall be made from funds credited to the professional and practical nursing student loan and nurse loan repayment fund. A qualified applicant may receive financial assistance for each academic year he remains a student in good standing at a participating school.]

[335.233. SCHEDULE FOR REPAYMENT OF LOAN — INTEREST, AMOUNT. — The department shall establish schedules for repayment of the principal and interest on any financial assistance made under the provisions of sections 335.212 to 335.242. Interest at the rate of nine and one-half percent per annum shall be charged on all financial assistance made under the provisions of sections 335.212 to 335.242, but the interest and principal of the total financial assistance granted to a qualified applicant at the time of the successful completion of a nursing degree, diploma program or a practical nursing program shall be forgiven through qualified employment.]

[335.236. REPAYMENT OF LOAN — WHEN. — The financial assistance recipient shall repay the financial assistance principal and interest beginning not more than six months after completion of the degree for which the financial assistance was made in accordance with the repayment contract. If an eligible student ceases his study prior to successful completion of a degree or graduation at a participating school, interest at the rate specified in section 335.233 shall be charged on the amount of financial assistance received from the state under the provisions of sections 335.212 to 335.242, and repayment, in accordance with the repayment contract, shall begin within ninety days of the date the financial aid recipient ceased to be an eligible student. All funds repaid by recipients of financial assistance to the department shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]

[335.239. DEFERRAL OF REPAYMENT OF LOANS — WHEN. — The department shall grant a deferral of interest and principal payments to a financial assistance recipient who is pursuing an advanced degree, special nursing program, or upon special conditions established by the department. The deferral shall not exceed four years. The status of each deferral shall be reviewed annually by the department of health and senior services to ensure compliance with the intent of this section.]

[335.242. ACTION TO RECOVER LOANS DUE. — When necessary to protect the interest of the state in any financial assistance transaction under sections 335.212 to 335.259, the department of health and senior services may institute any action to recover any amount due.]

[335.245. DEFINITIONS. — As used in sections 335.245 to 335.259, the following terms mean:

- (1) "Department", the Missouri department of health and senior services;
- (2) "Eligible applicant", a Missouri licensed nurse who has attained either an associate degree, a diploma, a bachelor of science, or graduate degree in nursing from an accredited institution approved by the board of nursing or a student nurse in the final year of a full-time baccalaureate school of nursing leading to a baccalaureate degree or graduate nursing program leading to a master's degree in nursing and has agreed to serve in an area of defined need as established by the department;
- (3) "Participating school", an institution within this state which grants an associate degree in nursing, grants a bachelor or master of science degree in nursing or provides a diploma nursing program

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which is accredited by the state board of nursing, or a regionally accredited institution in this state which provides a bachelor of science completion program for registered professional nurses;

(4) "Qualified employment", employment on a full-time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020 or public or nonprofit agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section.]

[335.248. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAM — RULES AND REGULATIONS. — Sections 335.245 to 335.259 shall be known as the "Nursing Student Loan Repayment Program". The department of health and senior services shall be the administrative agency for the implementation of the authority established by sections 335.245 to 335.259. The department shall promulgate reasonable rules and regulations necessary to implement sections 335.245 to 335.259. Promulgated rules shall include, but not be limited to, applicant eligibility, selection criteria, prioritization of service obligation sites and the content of loan repayment contracts, including repayment schedules for those in default and penalties. The department shall promulgate rules regarding recruitment opportunities for minority students into nursing schools. Priority for student loan repayment shall be given to eligible applicants who have demonstrated financial need. All funds collected by the department from participants not meeting their contractual obligations to the state shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]

[335.251. Loan Repayment Contract — QUALIFIED EMPLOYMENT — RECOVERY OF AMOUNTS DUE. Upon proper verification to the department by the eligible applicant of securing qualified employment in this state, the department shall enter into a loan repayment contract with the eligible applicant to repay the interest and principal on the educational loans of the applicant to the limit of the contract, which contract shall provide for instances of less than full-time qualified employment consistent with the provisions of section 335.233, out of any appropriation made to the professional and practical nursing student loan and nurse loan repayment fund. If the applicant breaches the contract by failing to begin or complete the qualified employment, the department is entitled to recover the total of the loan repayment paid by the department plus interest on the repaid amount at the rate of nine and one-half percent per annum.]

[335.254. LAW NOT TO REQUIRE CERTAIN CONTRACTS.— Sections 335.212 to 335.259 shall not be construed to require the department to enter into contracts with individuals who qualify for nursing education loans or nursing loan repayment programs when federal, state and local funds are not available for such purposes.]

[335.257. VERIFICATION OF QUALIFIED EMPLOYMENT. — Successful applicants for whom loan payments are made under the provisions of sections 335.245 to 335.259 shall verify to the department twice each year in the manner prescribed by the department that qualified employment in this state is being maintained.]

Approved July 6, 2023

HCS SS SB 75

Enacts provisions relating to retirement systems.

AN ACT to repeal sections 57.952, 57.961, 57.967, 57.991, 86.253, 86.254, 86.280, 86.283, 86.287, 104.010, 104.020, 104.035, 104.090, 104.130, 104.160, 104.170, 104.200, 104.312, 104.380, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1039, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, 169.070, 169.141, 169.331, 169.560, 169.596, 169.715, 173.1205, and 476.521, RSMo, and to enact in lieu thereof fifty-five new sections relating to retirement systems.

SECTION

A Enacting clause.

- 57.952 Sheriffs' retirement fund — management — source — effect of insufficient funds on benefits — county payroll deduction.
- 57.961 Membership in system — member contribution required, procedure — certain cities and counties may join, how — rulemaking authority.
- 57.967 Normal annuity, calculation, minimum amount — medical insurance premiums for retired members — surviving spouse of member dying before retirement, benefits.
- 57.991 Effect of benefits on eligibility for benefits in other systems.
- 86.253 Service retirement allowance, how calculated — military service credit — contributions refund, when — retiree, surviving spouses, special consultants, when.
- 86.254 Special advisors, qualifications, duties, compensation — effective, when — surviving spouses as advisors, when, compensation.
- 86.280 Death benefit — dependents' allowances.
- 86.283 Death benefits of retired member — dependents' allowances — cost-of-living adjustment.
- 86.287 Accidental death benefit — dependents' allowances.
- 104.010 Definitions.
- 104.020 System created.
- 104.035 Deferred normal annuity on termination of employment to be paid to employee, requirements — reemployment and member of system, prior service credit restored, when — transportation department and highway patrol, deferred normal annuity, when, requirements.
- 104.090 Normal annuity of retired member — additional allowance to patrolmen, qualifications — survivorship options — option selected prior to retirement, death of spouse, effect — spouse as beneficiary, effect — dissolution of marriage, cancellation of election, when.
- 104.160 Board of trustees, membership — nominations and voting rights of members of system.
- 104.170 Officers of board of trustees, election, terms, duties — executive director, appointment, powers and duties — process to be served on executive director.
- 104.200 Board may correct error in amounts paid member, limitation.
- 104.312 Pension, annuity, benefit, right, and allowance is marital property — division of benefits order, requirements — information for courts — rejection of division of benefits order — basis for payment to alternate payee — calculation of division of benefits.
- 104.380 Retired members elected to state office, effect of — reemployment of retired members, effect of.

- 104.410 Disability benefits, who entitled, eligibility — how calculated — eligibility requirements — disabled, a normal retiree, when — termination of disability, effect — members of general assembly and statewide elected officials, accrual of service.
- 104.436 Financing pattern for contribution determinations — commissioner of administration to certify payment.
- 104.490 Correction of errors in amount paid members — falsification of records, penalty — survivor or beneficiary charged with killing member, denial of benefits, resumption of payments if not convicted.
- 104.515 Insurance and disability benefits to be kept in separate accounts — state's contribution, amount, contribution to be made from highway funds for certain employees, when — employees and families, who are covered for medical insurance — premium collection for amount not covered by state — special consultants, duties, compensation, benefits.
- 104.625 Annuities and lump sum payments, when, determination of amount.
- 104.810 Water patrol employees, membership options.
- 104.1003 Definitions.
- 104.1018 Vesting of benefits, when — reemployment of member, effect of.
- 104.1024 Retirement, application — annuity payments, how paid, amount — election to receive annuity or lump sum payment for certain employees, determination of amount.
- 104.1039 Reemployment of a retiree, effect on annuity — cost-of-living adjustments.
- 104.1051 Annuity deemed marital property — division of benefits — calculation.
- 104.1060 Erroneous amount paid, correction — penalty for falsification — disqualification from receipt of payments, when.
- 104.1066 Actuarial valuations, methods used — certification of contribution rate, when.
- 104.1072 Life insurance benefits — medical insurance for certain retirees.
- 104.1084 Retirement benefits, general assembly members and statewide elected officials — COLA permitted, when — ineligibility for benefits — long-term disability, continued service credit accrual.
- 104.1091 New employees, normal retirement eligibility — vesting requirements — temporary annuity, when — early retirement annuity, when — minimum credited service requirements — contribution amount — options — conditions for retirement after January 1, 2018, for certain employees.
- 168.082 Retirement benefits, speech-language pathology assistant considered speech implementer, when.
- 169.070 Retirement allowances, how computed, election allowed, time period — options — effect of federal O.A.S.I. coverage — cost-of-living adjustment authorized — limitation of benefits — employment of special consultant, compensation, minimum benefits.
- 169.141 Successor beneficiary may be nominated by person receiving reduced allowance, when, procedure — allowance increase, when — same-sex partners as successor beneficiaries, requirements.
- 169.331 Retired teachers may teach full time without loss of benefits, when — school district requirements.
- 169.560 Retirees may be employed, when — salary amount, effect on benefits, exception.
- 169.596 Retired teacher may teach full time without loss of retirement benefits, when — school district requirements.
- 169.715 Successor beneficiary may be nominated by person receiving reduced allowance, when, procedure — increase permitted, when — same-sex partners as successor beneficiaries, when.

- 173.1205 Ownership or membership interest in entities, not deemed governmental or quasi-governmental bodies, when.
- 285.1000 Definitions.
- 285.1005 Board established, members, terms, expenses, quorum.
- 285.1010 Duties of board.
- 285.1015 Show-Me MyRetirement savings plan, requirements.
- 285.1020 Rules, board to adopt.
- 285.1025 Employer immunity from liability, when.
- 285.1030 No guaranteed interest rate or rate of return — no liability for losses — plan debts and obligations, not state debts and obligations.
- 285.1035 Confidentiality of information.
- 285.1040 Intergovernmental agreement and memorandum of understanding, when.
- 285.1045 Show-Me MyRetirement savings administrative fund, use of moneys — administrative costs, how paid — competitive bidding.
- 285.1050 Recordkeeping — audits — report, contents.
- 285.1055 Plan contribution start date — phase in permitted.
- 476.521 New judges, benefits, eligibility requirements — contribution amount — employment after retirement, effect of.
- 104.130 Death benefit of retired member.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 57.952, 57.961, 57.967, 57.991, 86.253, 86.254, 86.280, 86.283, 86.287, 104.010, 104.020, 104.035, 104.090, 104.130, 104.160, 104.170, 104.200, 104.312, 104.380, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1039, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, 169.070, 169.141, 169.331, 169.560, 169.596, 169.715, 173.1205, and 476.521, RSMo, are repealed and fifty-five new sections enacted in lieu thereof, to be known as sections 57.952, 57.961, 57.967, 57.991, 86.253, 86.254, 86.280, 86.283, 86.287, 104.010, 104.020, 104.035, 104.090, 104.160, 104.170, 104.200, 104.312, 104.380, 104.410, 104.436, 104.490, 104.515, 104.625, 104.810, 104.1003, 104.1018, 104.1024, 104.1039, 104.1051, 104.1060, 104.1066, 104.1072, 104.1084, 104.1091, 168.082, 169.070, 169.141, 169.331, 169.560, 169.596, 169.715, 173.1205, 285.1000, 285.1005, 285.1010, 285.1015, 285.1020, 285.1025, 285.1030, 285.1035, 285.1040, 285.1045, 285.1050, 285.1055, and 476.521, to read as follows:

57.952. SHERIFFS' RETIREMENT FUND — MANAGEMENT — SOURCE — EFFECT OF INSUFFICIENT FUNDS ON BENEFITS — COUNTY PAYROLL DEDUCTION. — 1. There is hereby authorized a "Sheriffs' Retirement Fund" which shall be under the management of a board of directors described in section 57.958. The board of directors shall be responsible for the administration and the investment of the funds of such sheriffs' retirement fund. ~~[Neither]~~ The general assembly ~~[nor]~~ and the governing body of a county ~~[shall]~~ may appropriate funds for deposit in the sheriffs' retirement fund. If insufficient funds are generated to provide the benefits payable pursuant to the provisions of sections 57.949 to 57.997, the board shall proportion the benefits according to the funds available.

2. The board may accept gifts, donations, grants, and bequests from public or private sources to the sheriffs' retirement fund.

3. Each county shall make the payroll deductions for member contributions mandated under section 57.961, and the county shall transmit such moneys to the board for deposit into the sheriffs' retirement fund.

57.961. MEMBERSHIP IN SYSTEM — MEMBER CONTRIBUTION REQUIRED, PROCEDURE — CERTAIN CITIES AND COUNTIES MAY JOIN, HOW — RULEMAKING AUTHORITY. — 1. On and

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Matter underscored is proposed language.

after the effective date of the establishment of the system, as an incident to his or her employment or continued employment, each person employed as an elected or appointed sheriff of a county shall become a member of the system. Such membership shall continue as long as the person continues to be an employee, or receives or is eligible to receive benefits under the provisions of sections 57.949 to 57.997.

2. Notwithstanding any other provision of law to the contrary, each person who is a member of the system on or after January 1, 2024, shall be required to contribute five percent of the member's pay to the retirement system. Such contribution shall be made notwithstanding that the minimum salary or wages provided by law for any member shall thereby be changed. Each member shall be deemed to consent and agree to the deduction made and provided for herein. Payment of a member's compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered by him or her to a county, except as to benefits provided by this system.

3. The officer or officers responsible for making up the payrolls for each county shall cause the contribution provided for in this section to be deducted from the compensation of the member in the employ of the county, on each and every payroll, for each and every payroll to the date his or her membership terminates. When deducted, each contribution shall be paid by the county to the system; the payments shall be made in the manner and shall be accompanied by such supporting data as the board shall from time to time prescribe. When paid to the system, each of the contributions shall be credited to the member from whose compensation the contributions were deducted. The contributions so deducted shall be treated as employee contributions for purposes of determining the member's pay that is includable in the member's gross income for federal income tax purposes.

4. Member contributions deducted and paid into the system by the county shall be paid from the same source of funds used for the payment of pay to a member. A deduction shall be made from each member's pay equal to the amount of the member's contributions picked up by the employer. This deduction, however, shall not reduce the member's pay for purposes of computing benefits under the retirement system under this chapter.

5. The contributions, although designated as employee contributions, shall be paid by the county in lieu of the contributions by the member. The member shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the county to the retirement system.

6. A former member who is not vested may request a refund of his or her contributions. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later, and shall include all contributions made to any retirement plan administered by the system.

[2.] 7. Beginning September 1, 1986, any city not within a county and any county having a charter form of government may elect, by a majority vote of its governing body, to come under the provisions of sections 57.949 to 57.997 except for the provisions of section 57.955. Notice in writing of such election shall be given to the board, and the person employed as sheriff of such county, as an incident of his contract of employment or continued employment, shall become a member of the system on the first day of the month immediately following the date the board receives notice. Such membership shall continue as long as the person continues to be an employee, or receives or is eligible to receive benefits under the provisions of sections 57.949 to 57.997, and upon becoming a member he shall receive credit for all prior service as if he had become a member on December 22, 1983.

8. Subject to the limitations under sections 57.949 to 57.997, the board shall have the authority to formulate and adopt rules and regulations for the administration of these provisions.

57.967. NORMAL ANNUITY, CALCULATION, MINIMUM AMOUNT — MEDICAL INSURANCE PREMIUMS FOR RETIRED MEMBERS — SURVIVING SPOUSE OF MEMBER DYING BEFORE RETIREMENT, BENEFITS. — 1. The normal annuity of a retired member shall equal two percent of the final average compensation of the retired member multiplied by the number of years of creditable

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service of the retired member, except that the normal annuity shall not exceed seventy-five percent of the retired member's average final compensation. Such annuity shall be not less than one thousand dollars per month.

2. The board, at its last meeting of each calendar year, shall determine the monthly amount for medical insurance premiums to be paid to each retired member during the next following calendar year. The monthly amount shall not exceed four hundred fifty dollars. The monthly payments are at the discretion of the board on the advice of the actuary. The anticipated sum of all such payments during the year plus the annual normal cost plus the annual amount to amortize the unfunded actuarial accrued liability in no more than thirty years shall not exceed the anticipated moneys credited to the system pursuant to [section] sections 57.952 and 57.955. The money amount granted here shall not be continued to any survivor.

3. If a member with eight or more years of service dies before becoming eligible for retirement, the member's surviving spouse, if he or she has been married to the member for at least two years prior to the member's death, shall be entitled to survivor benefits under option 1 as set forth in section 57.979 as if the member had retired on the date of the member's death. The member's monthly benefit shall be calculated as the member's accrued benefit at his or her death reduced by one-fourth of one percent per month for an early commencement from the member's normal retirement date: age fifty-five with twelve or more years of creditable service or age sixty-two with eight years of creditable service, to the member's date of death. Such benefit shall be payable on the first day of the month following the member's death and shall be payable during the surviving spouse's lifetime.

57.991. EFFECT OF BENEFITS ON ELIGIBILITY FOR BENEFITS IN OTHER SYSTEMS. — 1. For members of the system prior to December 31, 2023, the benefits provided for by sections 57.949 to 57.997 shall in no way affect any person's eligibility for retirement benefits under the local government employees' retirement system, sections 70.600 to 70.755, or any other local government retirement or pension system, or in any way have the effect of reducing retirement benefits in such systems, or reducing compensation or mileage reimbursement of employees, anything to the contrary notwithstanding.

2. Any new members employed under this section, on or after January 1, 2024, shall be subject to the following provisions:

(1) A member of another state or local retirement or pension system who begins employment in a position covered by the sheriffs' retirement system shall become a member of the sheriffs' retirement system upon employment. Any membership in any other state or local retirement or pension system shall cease, except that the member shall be entitled to benefits accrued through December 31, 2023, or the commencement of membership in the sheriffs' retirement system, whichever is later; and

(2) Subject to the limitations under sections 57.949 to 57.997, the board shall have the authority to formulate and adopt rules and regulations for the administration of these provisions.

86.253. SERVICE RETIREMENT ALLOWANCE, HOW CALCULATED — MILITARY SERVICE CREDIT — CONTRIBUTIONS REFUND, WHEN — RETIREE, SURVIVING SPOUSES, SPECIAL CONSULTANTS, WHEN. — 1. Upon termination of employment as a police officer and actual retirement for service, a member shall receive a service retirement allowance which shall be an amount equal to two percent of the member's average final compensation multiplied by the number of years of the member's creditable service, up to twenty-five years, plus an amount equal to four percent of the member's average final compensation for each year of creditable service in excess of twenty-five years but not in excess of thirty years; plus an additional five percent of the member's average final compensation for any creditable service in excess of thirty years. Notwithstanding the foregoing, the service retirement allowance of a member who does not earn any creditable service after August 11, 1999, shall not exceed an amount equal to seventy percent of the member's average final compensation,

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Matter underscored is proposed language.

and the service retirement allowance of a member who earns creditable service on or after August 12, 1999, shall not exceed an amount equal to seventy-five percent of the member's average final compensation; provided, however, that the service retirement allowance of a member who is participating in the DROP pursuant to section 86.251 on August 12, 1999, who returns to active participation in the system pursuant to section 86.251, and who terminates employment as a police officer and actually retires for reasons other than death or disability before earning at least two years of creditable service after such return shall be the sum of (1) the member's service retirement allowance as of the date the member entered DROP and (2) an additional service retirement allowance based solely on the creditable service earned by the member following the member's return to active participation. The member's total years of creditable service shall be taken into account for the purpose of determining whether the additional allowance attributable to such additional creditable service is two percent, four percent or five percent of the member's average final compensation.

2. If, at any time since first becoming a member of the retirement system, the member has served in the Armed Forces of the United States, and has subsequently been reinstated as a policeman within ninety days after the member's discharge, the member shall be granted credit for such service as if the member's service in the police department of such city had not been interrupted by the member's induction into the Armed Forces of the United States. If earnable compensation is needed for such period in computation of benefits it shall be calculated on the basis of the compensation payable to the officers of the member's rank during the period of the member's absence. Notwithstanding any provision of sections 86.200 to 86.366 to the contrary, the retirement system governed by sections 86.200 to 86.366 shall be operated and administered in accordance with the applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

3. The service retirement allowance of each present and future retired member who terminated employment as a police officer and actually retired from service after attaining age fifty-five or after completing twenty years of creditable service shall be increased annually at a rate not to exceed three percent as approved by the board of trustees beginning with the first increase in the second October following the member's retirement and subsequent increases in each October thereafter, provided that each increase is subject to a determination by the board of trustees that the consumer price index (United States City Average Index) as published by the United States Department of Labor shows an increase of not less than the approved rate during the latest twelve-month period for which the index is available at the date of determination; and provided further, that if the increase is in excess of the approved rate for any year, such excess shall be accumulated as to any retired member and increases may be granted in subsequent years subject to a maximum of three percent for each full year from October following the member's retirement but not to exceed a total percentage increase of thirty percent. In no event shall the increase described under this subsection be applied to the amount, if any, paid to a member or surviving spouse of a deceased member for services as a special consultant under subsection 5 of this section **[or, if applicable, subsection 6 of this section]**. If the board of trustees determines that the index has decreased for any year, the benefits of any retired member that have been increased shall be decreased but not below the member's initial benefit. No annual increase shall be made of less than one percent and no decrease of less than three percent except that any decrease may be limited in amount by the initial benefit.

4. In addition to any other retirement allowance payable under this section and section 86.250, a member, upon termination of employment as police officer and actual service retirement, may request payment of the total amount of the member's mandatory contributions to the retirement system without interest. Upon receipt of such request, the board shall pay the retired member such total amount of the member's mandatory contributions to the retirement system to be paid pursuant to this subsection within sixty days after such retired member's date of termination of employment as a police officer and actual retirement.

5. Any person who is receiving retirement benefits from the retirement system, upon application to the board of trustees, shall be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters, for the remainder of the person's life or, in the case of a deceased member's surviving spouse, until [the earlier of] the person's death [or remarriage], and upon request of the board of trustees shall give opinions and be available to give opinions in writing or orally, in response to such requests, as may be required. For such services the special consultant shall be compensated monthly, in an amount which, when added to any monthly retirement benefits being received from the retirement system, including any cost-of-living increases under subsection 3 of this section, shall total six hundred fifty dollars a month. This employment shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, notwithstanding any provisions of law to the contrary.

86.254. SPECIAL ADVISORS, QUALIFICATIONS, DUTIES, COMPENSATION — EFFECTIVE, WHEN — SURVIVING SPOUSES AS ADVISORS, WHEN, COMPENSATION. — 1. Beginning July 1, 1994, in addition to any other annuity, benefits, or retirement allowance provided pursuant to sections 86.200 to 86.366, each present and future retired member after attaining the age of sixty years shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters, for the remainder of the retired member's life, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

2. For the performance of duties required in subsection 1 of this section, each retired member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the retired member is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually. No funding shall be required prior to the effective date of this benefit.

3. Beginning October 1, 1999, in addition to any other benefit provided to any surviving spouse pursuant to sections 86.200 to 86.366, each present and future surviving spouse of a member after attaining the age of sixty years shall upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as an advisor on the problems of retirement, aging and other matters for the remainder of the surviving spouse's life [or until the surviving spouse remarries, whichever is earlier], and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required.

4. For the performance of duties required in subsection 3 of this section, each surviving spouse of a member employed as an advisor by the board of trustees shall be compensated monthly in an amount of ten dollars per month multiplied by the number of years the surviving spouse is past the age of sixty years. The compensation provided by this subsection shall be adjusted annually.

86.280. DEATH BENEFIT — DEPENDENTS' ALLOWANCES. — Upon the receipt of proper proofs of the death of a member in service and provided no other benefits are payable under the retirement system, there shall be paid the following benefits:

(1) Effective October 1, 1999, a pension to the surviving spouse until the surviving spouse dies [or remarries, whichever is earlier], of forty percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in gainful occupation sufficient to support himself or herself;

(2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to the provisions of this section immediately prior to October 1, 1999, shall, upon application to the board of trustees, be made, constituted, appointed and employed by the board of trustees as a special consultant

on the problems of retirement, aging and other matters while the surviving spouse or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, the surviving spouse shall receive additional monthly compensation in an amount equal to fifteen percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member. The additional monthly compensation payable to a surviving spouse pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply, pursuant to subdivision (8) of this section, to the benefit the surviving spouse was receiving prior to October 1, 1999;

(3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a surviving spouse shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the surviving spouse's benefit shall be paid for one child;

(4) If there is no surviving spouse or dependent children, the return of accumulated contributions to the designated beneficiary as set forth in section 86.293;

(5) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(6) Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the surviving spouse of the deceased member, such benefits may be paid to such surviving spouse for the child;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) The benefits payable pursuant to this section to the surviving spouse of a member who died in service after attaining the age of fifty-five or completing twenty years of creditable service shall be increased in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member;

(9) In the event a surviving spouse receiving death benefits as a result of a prior marriage to a deceased member subsequently remarries another member who also predeceases the surviving spouse, the surviving spouse shall receive a single death benefit pension, which, upon application to the board of trustees, shall be computed under subdivision (1) of this section using the highest of the average final compensations of the deceased members to which the surviving spouse was previously married;

(10) Beginning on August 28, 2023, any surviving spouse that had, prior to August 28, 2023, become ineligible for benefits under subdivisions (1) and (2) of this section as a result of remarrying shall, upon application to the board of trustees, have reinstated all future benefits under subdivisions (1) and (2) of this section. Any such reinstatement shall be as to future benefits only and shall not be retroactive prior to August 28, 2023.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

86.283. DEATH BENEFITS OF RETIRED MEMBER — DEPENDENTS' ALLOWANCES — COST-OF-LIVING ADJUSTMENT. — Upon receipt of proper proofs of the death of a retired member who retired while in service, including retirement for service, ordinary disability or accidental disability, and provided no other benefits are payable from the retirement system, there shall be paid the following benefits:

(1) Effective October 1, 1999, a pension to the surviving spouse until the surviving spouse dies [or remarries, whichever is earlier], of forty percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself;

(2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the surviving spouse or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a surviving spouse shall receive additional monthly compensation equal to the amount which when added to the benefits the surviving spouse was receiving pursuant to this section prior to October 1, 1999, determined without regard to any increase applied to such benefits prior to October 1, 1999, pursuant to subdivision (8) of this section, will increase the surviving spouse's total monthly payment pursuant to this section to forty percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member. The additional monthly compensation payable to a surviving spouse pursuant to this subdivision shall be adjusted for any cost-of-living increases that apply to the benefit the surviving spouse was receiving prior to October 1, 1999;

(3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a surviving spouse, determined without regard to any increase which would have applied to the surviving spouse's benefits pursuant to subdivision (8) of this section, shall be divided among the unmarried dependent children under age eighteen and unmarried dependent children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the surviving spouse's benefits shall be paid for one child;

(4) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(5) Whenever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the surviving spouse of the deceased member, such benefits may be paid to such surviving spouse for the child;

(6) In the event of the death of a retired member receiving accidental disability benefits before such benefits have been paid for five years, the member's surviving spouse until the surviving spouse dies [or remarries, whichever is earlier], shall receive an additional pension of ten percent of the deceased member's final average compensation;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years if the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) The benefits payable pursuant to this section to the surviving spouse of a retired member who received or was entitled to receive a service retirement allowance shall be increased in the same percentages and pursuant to the same method as is provided in section 86.253 for adjustments in the service retirement allowance of a retired member;

(9) In the event a surviving spouse receiving death benefits as a result of a prior marriage to a deceased member subsequently remarries another member who also predeceases the surviving spouse, the surviving spouse shall receive a single death benefit pension, which, upon application to the board of trustees, shall be computed under subdivision (1) of this section using the highest of the average final compensations of the deceased members to which the surviving spouse was previously married;

(10) Beginning on August 28, 2023, any surviving spouse that had, prior to August 28, 2023, become ineligible for benefits under subdivisions (1), (2), and (6) of this section as a result of remarrying shall, upon application to the board of trustees, have reinstated all future benefits under subdivisions (1), (2), and (6) of this section. Any such reinstatement shall be as to future benefits only and shall not be retroactive prior to August 28, 2023.

86.287. ACCIDENTAL DEATH BENEFIT — DEPENDENTS' ALLOWANCES. — Upon the receipt by the board of trustees of evidence and proof that the death of a member was the natural and proximate result of an accident occurring at some definite time and place while the member was in the actual performance of duty and not caused by negligence on the part of the member, there shall be paid in lieu of the benefits pursuant to sections 86.280 to 86.283:

(1) Effective October 1, 1999, a pension to the surviving spouse until the surviving spouse dies ~~or remarries, whichever is earlier~~, of seventy-five percent of the deceased member's average final compensation plus fifteen percent of such compensation to, or for the benefit of, each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who, regardless of age, is totally and permanently disabled and incapacitated from engaging in a gainful occupation sufficient to support himself or herself;

(2) Any surviving spouse or unmarried dependent child receiving benefits pursuant to this section immediately prior to October 1, 1999, shall upon application to the board of trustees be made, constituted, appointed and employed by the board of trustees as a special consultant on the problems of retirement, aging and other matters while the surviving spouse or unmarried dependent child is receiving such benefits, and upon request of the board of trustees shall give opinions in writing or orally in response to such requests as may be required. Beginning October 1, 1999, for such services as may be required, a surviving spouse shall receive additional monthly compensation equal to the amount which when added to the benefits the surviving spouse was receiving pursuant to this section prior to October 1, 1999, will increase the surviving spouse's total monthly benefit payment pursuant to this section to seventy-five percent of the deceased member's average final compensation, and there shall be payable an additional monthly compensation of one hundred dollars or five percent of the member's average final compensation, whichever is greater, for each unmarried dependent child of the member;

(3) If no surviving spouse benefits are payable pursuant to subdivisions (1) and (2) of this section, such total pension as would have been paid pursuant to subdivisions (1) and (2) of this section had there been a surviving spouse shall be divided among the unmarried dependent children under age eighteen and such unmarried dependent children, regardless of age, who are totally and permanently disabled

and incapacitated from engaging in a gainful occupation sufficient to support themselves. The benefit shall be divided equally among the eligible dependent children, and the share of a child who is no longer eligible shall be divided equally among the remaining eligible dependent children; provided that not more than one-half of the surviving spouse's benefit shall be paid for one child;

(4) If there is no surviving spouse or unmarried dependent children of either class mentioned in subdivision (3) of this section, then an amount equal to the surviving spouse's benefit shall be paid to the member's dependent father or dependent mother to continue until remarriage or death;

(5) No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently disabled if such child is a patient or resident of a public-supported institution, nor shall such benefits be paid unless such disability occurred prior to such child reaching the age of eighteen;

(6) Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the surviving spouse of the deceased member, such benefits may be paid to such surviving spouse for the child;

(7) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) to (3) of this section shall continue to be paid beyond the age of eighteen years through the age of twenty-two years in those cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training, or university, but such extended benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university;

(8) In the event a surviving spouse receiving death benefits as a result of a prior marriage to a deceased member subsequently remarries another member who also predeceases the surviving spouse, the surviving spouse shall receive a single death benefit pension, which, upon application to the board of trustees, shall be computed under subdivision (1) of this section using the highest of the average final compensations of the deceased members to which the surviving spouse was previously married;

(9) Beginning on August 28, 2023, any surviving spouse that had, prior to August 28, 2023, become ineligible for benefits under subdivisions (1) and (2) of this section as a result of remarrying shall, upon application to the board of trustees, have reinstated all future benefits under subdivisions (1) and (2) of this section. Any such reinstatement shall be as to future benefits only and shall not be retroactive prior to August 28, 2023.

104.010. DEFINITIONS. — 1. The following words and phrases as used in sections 104.010 to 104.800, unless a different meaning is plainly required by the context, shall mean:

(1) "Accumulated contributions", the sum of all deductions for retirement benefit purposes from a member's compensation which shall be credited to the member's individual account and interest allowed thereon;

(2) "Active armed warfare", any declared war, or the Korean or Vietnamese Conflict;

(3) "Actuarial equivalent", a benefit which, when computed upon the basis of specified actuarial assumptions approved by the board, is equal in value to a certain amount or other benefit;

(4) "Actuarial tables", the actuarial tables approved and in use by a board at any given time;

(5) "Actuary", the actuary who is a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974 and who is employed by a board at any given time;

(6) "Annuity", annual payments, made in equal monthly installments, to a retired member from funds provided for in, or authorized by, this chapter;

(7) "Annuity starting date", the first day of the first month with respect to which an amount is paid as an annuity under sections 104.010 to 104.800, and the terms retirement, time of retirement, and date

of retirement shall mean annuity starting date as defined in this subdivision unless the context in which the term is used indicates otherwise;

(8) "Average compensation", the average compensation of a member for the thirty-six consecutive months of service prior to retirement when the member's compensation was greatest; or if the member is on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of compensation the member would have received may be used, as reported and verified by the employing department; or if the member had less than thirty-six months of service, the average annual compensation paid to the member during the period up to thirty-six months for which the member received creditable service when the member's compensation was the greatest; or if the member is on military leave, the amount of compensation the member would have received may be used as reported and verified by the employing department or, if such amount is not determinable, the amount of the employee's average rate of compensation during the twelve-month period immediately preceding such period of leave, or if shorter, the period of employment immediately preceding such period of leave. The board of each system may promulgate rules for purposes of calculating average compensation and other retirement provisions to accommodate for any state payroll system in which compensation is received on a monthly, semimonthly, biweekly, or other basis;

(9) "Beneficiary", any persons or entities entitled to or nominated by a member or retiree who may be legally entitled to receive benefits pursuant to this chapter;

(10) "Biennial assembly", the completion of no less than two years of creditable service or creditable prior service by a member of the general assembly;

(11) "Board of trustees", "board", or "trustees", a board of trustees as established for the applicable system pursuant to this chapter;

(12) "Chapter", sections 104.010 to 104.800;

(13) "Compensation":

(a) All salary and wages payable out of any state, federal, trust, or other funds to an employee for personal services performed for a department; but including only amounts for which contributions have been made in accordance with section 104.436, or section 104.070, whichever is applicable, and excluding any nonrecurring single sum payments or amounts paid after the member's termination of employment unless such amounts paid after such termination are a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000, or any other one-time payments made as a result of such payroll system;

(b) All salary and wages which would have been payable out of any state, federal, trust or other funds to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) Effective December 31, 1995, compensation in excess of the limitations set forth in Internal Revenue Code Section 401(a)(17) shall be disregarded. The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For this purpose, an "eligible employee" is an individual who was a member of the system before the first plan year beginning after December 31, 1995;

(d) The board by its rules may further define "compensation" in a manner consistent with this definition;

(14) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by a board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

(15) "Creditable prior service", the service of an employee which was either rendered prior to the establishment of a system, or prior to the date the employee last became a member of a system, and

which is recognized in determining the member's eligibility and for the amount of the member's benefits under a system;

(16) "Creditable service", the sum of membership service and creditable prior service, to the extent such service is standing to a member's credit as provided in this chapter; except that in no case shall more than one day of creditable service or creditable prior service be credited any member for any one calendar day of eligible service credit as provided by law;

(17) "Deferred normal annuity", the annuity payable to any former employee who terminated employment as an employee or otherwise withdrew from service with a vested right to a normal annuity, payable at a future date;

(18) "Department", any department or agency of the executive, legislative or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system pursuant to this chapter as otherwise provided by law;

(19) "Disability benefits", benefits paid to any employee while totally disabled as provided in this chapter;

(20) "Early retirement age", a member's attainment of fifty-five years of age and the completion of ten or more years of creditable service, except for uniformed members of the water patrol;

(21) "Employee":

(a) Effective August 28, 2007, any elective or appointive officer or person employed by the state who is employed, promoted or transferred by a department into a new or existing position and earns a salary or wage in a position normally requiring the performance by the person of duties during not less than one thousand forty hours per year, including each member of the general assembly but not including any patient or inmate of any state, charitable, penal or correctional institution. However, persons who are members of the public school retirement system and who are employed by a state agency other than an institution of higher learning shall be deemed employees for purposes of participating in all insurance programs administered by a board established pursuant to section 104.450. This definition shall not exclude any employee as defined in this subdivision who is covered only under the federal Old Age and Survivors' Insurance Act, as amended. As used in this chapter, the term "employee" shall include:

a. Persons who are currently receiving annuities or other retirement benefits from some other retirement or benefit fund, so long as they are not simultaneously accumulating creditable service in another retirement or benefit system which will be used to determine eligibility for or the amount of a future retirement benefit;

b. Persons who have elected to become or who have been made members of a system pursuant to section 104.342;

(b) Any person who is not a retiree and has performed services in the employ of the general assembly or either house thereof, or any employee of any member of the general assembly while acting in the person's official capacity as a member, and whose position does not normally require the person to perform duties during at least one thousand forty hours per year, with a month of service being any monthly pay period in which the employee was paid for full-time employment for that monthly period; except that persons described in this paragraph shall not include any such persons who are employed on or after August 28, 2007, and who have not previously been employed in such positions;

(c) "Employee" does not include special consultants employed pursuant to section 104.610;

(d) The system shall consider a person who is employed in multiple positions simultaneously within a single agency to be working in a single position for purposes of determining whether the person is an employee as defined in this subdivision;

(22) "Employer", a department of the state;

(23) "Executive director", the executive director employed by a board established pursuant to the provisions of this chapter;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(24) "Fiscal year", the period beginning July first in any year and ending June thirtieth the following year;

(25) "Full biennial assembly", the period of time beginning on the first day the general assembly convenes for a first regular session until the last day of the following year;

(26) "Fund", the benefit fund of a system established pursuant to this chapter;

(27) "Interest", interest at such rate as shall be determined and prescribed from time to time by a board;

(28) "Member", as used in sections 104.010 to 104.272 or 104.601 to 104.800 shall mean an employee, retiree, or former employee entitled to a deferred annuity covered by the Missouri department of transportation and highway patrol employees' retirement system. "Member", as used in this section and sections 104.312 to 104.800, shall mean an employee, retiree, or former employee entitled to deferred annuity covered by the Missouri state employees' retirement system;

(29) "Membership service", the service after becoming a member that is recognized in determining a member's eligibility for and the amount of a member's benefits under a system;

(30) "Military service", all active service performed in the United States Army, Air Force, Navy, Marine Corps, Coast Guard, and members of the United States Public Health Service or any women's auxiliary thereof; and service in the Army National Guard and Air National Guard when engaged in active duty for training, inactive duty training or full-time National Guard duty, and service by any other category of persons designated by the President in time of war or emergency;

(31) "Normal annuity", the annuity provided to a member upon retirement at or after the member's normal retirement age;

(32) "Normal retirement age", an employee's attainment of sixty-five years of age and the completion of four years of creditable service or the attainment of age sixty-five years of age and the completion of five years of creditable service by a member who has terminated employment and is entitled to a deferred normal annuity or the member's attainment of age sixty and the completion of fifteen years of creditable service, except that normal retirement age for uniformed members of the highway patrol shall be fifty-five years of age and the completion of four years of creditable service and uniformed employees of the water patrol shall be fifty-five years of age and the completion of four years of creditable service or the attainment of age fifty-five and the completion of five years of creditable service by a member of the water patrol who has terminated employment and is entitled to a deferred normal annuity and members of the general assembly shall be fifty-five years of age and the completion of three full biennial assemblies. Notwithstanding any other provision of law to the contrary, a member of the Missouri department of transportation and highway patrol employees' retirement system or a member of the Missouri state employees' retirement system shall be entitled to retire with a normal annuity and shall be entitled to elect any of the survivor benefit options and shall also be entitled to any other provisions of this chapter that relate to retirement with a normal annuity if the sum of the member's age and creditable service equals eighty years or more and if the member is at least forty-eight years of age;

(33) "Payroll deduction", deductions made from an employee's compensation;

(34) "Prior service credit", the service of an employee rendered prior to the date the employee became a member which service is recognized in determining the member's eligibility for benefits from a system but not in determining the amount of the member's benefit;

(35) "Reduced annuity", an actuarial equivalent of a normal annuity;

(36) "Retiree", a member who is not an employee and who is receiving an annuity from a system pursuant to this chapter;

(37) "System" or "retirement system", the Missouri department of transportation and highway patrol employees' retirement system, as created by sections 104.010 to 104.270, or sections 104.601 to 104.800, or the Missouri state employees' retirement system as created by sections 104.320 to 104.800;

(38) "Uniformed members of the highway patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway patrol who normally appear in uniform;

(39) "Uniformed members of the water patrol", employees of the Missouri state water patrol of the department of public safety who are classified as water patrol officers who have taken the oath of office prescribed by the provisions of chapter 306 and who have those peace officer powers given by the provisions of chapter 306;

(40) "Vesting service", the sum of a member's prior service credit and creditable service which is recognized in determining the member's eligibility for benefits under the system.

2. Benefits paid pursuant to the provisions of this chapter shall not exceed the limitations of Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan under Section 415(m) of the Internal Revenue Code of 1986, as amended. Such plan shall be created solely for the purposes described in Section 415(m)(3)(A) of the Internal Revenue Code of 1986, as amended. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

104.020. SYSTEM CREATED. — There is hereby created the "Missouri Department of Transportation and Highway Patrol Employees' Retirement System", which shall be a body corporate and an instrumentality of the state. In such system shall be vested the powers and duties specified in sections 104.010 to [104.270] 104.312 and such other powers as may be necessary or proper to enable it, its officers, employees, and agents to carry out fully and effectively all the purposes of sections 104.010 to [104.270] 104.312.

104.035. DEFERRED NORMAL ANNUITY ON TERMINATION OF EMPLOYMENT TO BE PAID TO EMPLOYEE, REQUIREMENTS — REEMPLOYMENT AND MEMBER OF SYSTEM, PRIOR SERVICE CREDIT RESTORED, WHEN — TRANSPORTATION DEPARTMENT AND HIGHWAY PATROL, DEFERRED NORMAL ANNUITY, WHEN, REQUIREMENTS. — 1. Any member whose employment terminated prior to August 13, 1976, and who had served twenty years or more as an employee shall be entitled to a deferred normal annuity based on his creditable service, average compensation, and the act in effect at the time his employment was terminated.

2. Any member whose employment terminates on or after August 13, 1976, and prior to June 1, 1981, and who had served fifteen or more years' creditable service as an employee or had served ten or more years of creditable service as an employee and was at least thirty-five years of age at the date of termination of employment shall be entitled to a deferred normal annuity based on his creditable service, average compensation, and the act in effect at the time his employment was terminated.

3. Any member whose employment terminates on or after June 1, 1981, and who has ten or more years of creditable service at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation and the act in effect at the time the member's employment is terminated.

4. Any member entitled to a deferred normal annuity as provided in subsection 1, 2, 3 or 5 of this section who reenters the service of a department and again becomes a member of the system [and thereafter serves for one continuous year] shall have his prior period of service restored, so that benefits determined by reason of his retirement or subsequent withdrawal from service will include the sum of all periods of creditable service, and his annuity shall be based on his creditable service, average compensation, and the act in effect at the time of his retirement or subsequent withdrawal from service.

5. Notwithstanding any other law to the contrary, any member of the transportation department and highway patrol retirement system whose employment terminated on or after September 28, 1992, who

has five or more years of vesting service as an employee at the date of termination of employment shall be entitled to a deferred normal annuity based on the member's creditable service, average compensation, and the act in effect at the time the member's employment was terminated.

104.090. NORMAL ANNUITY OF RETIRED MEMBER — ADDITIONAL ALLOWANCE TO PATROLMEN, QUALIFICATIONS — SURVIVORSHIP OPTIONS — OPTION SELECTED PRIOR TO RETIREMENT, DEATH OF SPOUSE, EFFECT — SPOUSE AS BENEFICIARY, EFFECT — DISSOLUTION OF MARRIAGE, CANCELLATION OF ELECTION, WHEN. — 1. The normal annuity of a member shall equal one and six-tenths percent of the average compensation of the member multiplied by the number of years of creditable service of such member. In addition, the normal annuity of a uniformed member of the patrol shall be increased by thirty-three and one-third percent.

2. In addition, a uniformed member of the highway patrol who is retiring with a normal annuity after attaining normal retirement age shall receive an additional sum of ninety dollars per month as a contribution by the system until such member attains the age of sixty-five years, when such contribution shall cease. To qualify for the contribution provided in this subsection by the system, the retired uniformed member of the highway patrol is made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. Such additional contribution shall be reduced each month by such amount earned by the retired uniformed member of the highway patrol in gainful employment. In order to qualify for the additional contribution provided in this subsection, the retired uniformed member of the highway patrol shall have been:

- (1) Hired by the Missouri state highway patrol prior to January 1, 1995; and
- (2) Employed by the Missouri state highway patrol or receiving long-term disability or work-related disability benefits on the day before the effective date of the member's retirement.

3. In lieu of the annuity payable to the member pursuant to section 104.100, a member whose age at retirement is forty-eight or more may elect in the member's application for retirement to receive one of the following:

Option 1.

An actuarial reduction approved by the board of the member's annuity in reduced monthly payments for life during retirement with the provision that upon the member's death the reduced annuity at date of death shall be continued throughout the life of, and be paid to, the member's spouse; or

Option 2.

The member's normal annuity in regular monthly payments for life during retirement with the provision that upon the member's death a survivor's benefit equal to one-half the member's normal annuity at date of death shall be paid to the member's spouse in regular monthly payments for life; or

Option 3.

An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member's having received one hundred twenty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the one hundred twenty-month period to such beneficiary as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retiree, the reserve for such allowance for the remainder of such one hundred twenty-month period shall be paid to the retiree's estate; or

Option 4.

An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received sixty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the sixty-month period to such beneficiary as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retiree, the reserve for such allowance for the remainder of such sixty-month period shall be paid to the retiree's estate.

4. The election may be made only in the application for retirement, and such application shall be filed at least thirty days but not more than ninety days prior to the date on which the retirement of the member is to be effective, provided that if either the member or the spouse nominated to receive the survivorship payment dies before the effective date of retirement, the election shall not be effective. If after the reduced annuity commences, the spouse predeceases the retired member, the reduced annuity continues to the retired member during the member's lifetime.

5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the date retirement benefits are initiated if the member makes the election within one year from the date of marriage or July 1, 2000, whichever is later, under any of the following circumstances:

(1) The member elected to receive a normal annuity and was not eligible to elect option 1 or 2 on the date retirement benefits were initiated; or

(2) The member's annuity reverted to a normal annuity pursuant to subsection 7 of this section or subsection [7 or] 8 of section 104.103 and the member remarried; or

(3) The member elected option 1 or 2 but the member's spouse at the time of retirement has died and the member has remarried.

6. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, and for such services shall be eligible to elect to receive the benefits described in subsection 5 of this section.

7. For retirement applications filed on or after August 28, 2004, the beneficiary for either option 1 or option 2 of subsection 3 of this section shall be the member's spouse at the time of retirement. If the member's marriage ends after retirement as a result of a dissolution of marriage, such dissolution shall not affect the option election and the former spouse shall continue to be eligible to receive survivor benefits upon death of the member, except a member may cancel his or her election if:

(1) The dissolution of marriage of the member and former spouse occurred on or after January 1, 2021, and the dissolution decree provides for sole retention by the member of all rights in the annuity and provides that the former spouse shall not be entitled to any survivor benefits pursuant to this chapter; or

(2) The dissolution of marriage of the member and former spouse occurred prior to January 1, 2021, and:

(a) The dissolution decree provided for the sole retention by the member of all rights in the annuity pursuant to this chapter, and the parties obtained an amended or modified dissolution decree after January 1, 2021, providing for immediate removal of the former spouse as the beneficiary entitled to survivor benefits to the satisfaction of the system; or

(b) The dissolution decree does not provide for the sole retention by the member of all rights in the annuity and the parties obtained an amended or modified dissolution decree after January 1, 2021, which provides for the sole retention by the member of all rights in the annuity and provides that the former spouse shall not be entitled to any survivor benefits pursuant to this chapter.

Upon meeting the requirements of subdivision (1) or (2) of this subsection, the monthly benefit payable for the lifetime of the member shall be the actuarial equivalent of the annuity payable pursuant to the provisions of option 1 or option 2 of subsection 3 of this section, as adjusted for early retirement if applicable. In no event shall the monthly benefit payable for the lifetime of the member be greater than the amount that would have been payable to the member under subsection 7 or 8 of section 104.103, whichever is applicable, had the former spouse died on the date of the dissolution of marriage. Any increase in the annuity amount pursuant to this subsection shall be prospective and effective the first of the month following the date of receipt by the system of a certified copy of the dissolution decree that meets the requirements of this subsection.

8. Any application for retirement shall only become effective on the first day of the month.

104.160. BOARD OF TRUSTEES, MEMBERSHIP — NOMINATIONS AND VOTING RIGHTS OF MEMBERS OF SYSTEM. — The board of trustees shall consist of three members of the state highways and transportation commission elected by the members of the commission. The superintendent of the highway patrol and the director of the department of transportation shall serve as members by virtue of their respective offices, and their successors shall succeed them as members of the board of trustees. In addition, one member of the senate appointed by the president pro tem of the senate and one member of the house of representatives, appointed by the speaker of the house shall serve as members of the board of trustees. In addition to the appointed legislators, two active employee members of the system shall be elected by a plurality vote of the active employee members of the system, herein designated for four-year terms to commence July 1, 1982, and every four years thereafter. One elected member shall be elected from the active employees of the department of transportation and one elected member shall be elected from the active employees of the civilian or uniformed highway patrol. The terms of the active employee representatives serving on the board on August 28, 2026, shall continue until June 30, 2028. All terms of elected active employee representatives shall be for four years after June 30, 2028. In addition to the two active employee members, two retirees of the system shall be elected to serve on the board by a plurality vote of the retirees of the system. One retiree shall be elected by the retired employees of the transportation department and one retiree shall be elected by the retired employees of the civilian or uniformed highway patrol. The retiree serving on the board on August 28, 2007, shall continue to serve on the board as the representative of the retired employees of the transportation department until June 30, 2010. An election shall be held prior to January 1, 2008, for the retiree to be elected by the retired employees of the civilian or uniformed highway patrol with said term to commence on January 1, 2008, and expire on June 30, 2010. All terms of elected retired employees shall be for four years after June 30, 2010. The board shall determine the procedures for nomination and election of the elective board members. Nominations may be entered by any member of the system, provided members of the system have a reasonable opportunity to vote.

104.170. OFFICERS OF BOARD OF TRUSTEES, ELECTION, TERMS, DUTIES — EXECUTIVE DIRECTOR, APPOINTMENT, POWERS AND DUTIES — PROCESS TO BE SERVED ON EXECUTIVE DIRECTOR. — 1. The board shall elect [by secret ballot] one member as chair and one member as vice chair at the first board meeting of each year. The chair may not serve more than two consecutive terms beginning after August 13, 1988. The chair shall preside over meetings of the board and perform such other duties as may be required by action of the board. The vice chair shall perform the duties of the chair in the absence of the latter or upon the chair's inability or refusal to act.

2. The board shall appoint a full-time executive director, who shall not be compensated for any other duties under the state highways and transportation commission. The executive director shall have charge of the offices and records and shall hire such employees that the executive director deems necessary subject to the direction of the board. The executive director and all other employees of the system shall be members of the system and the board shall make contributions to provide the insurance

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benefits available pursuant to section 104.270 on the same basis as provided for other state employees pursuant to the provisions of section 104.515, and also shall make contributions to provide the retirement benefits on the same basis as provided for other employees pursuant to the provisions of sections 104.090 to 104.260. The executive director is authorized to execute all documents including contracts necessary to carry out any and all actions of the board.

3. Any summons or other writ issued by the courts of the state shall be served upon the executive director or, in the executive director's absence, on the assistant director.

104.200. BOARD MAY CORRECT ERROR IN AMOUNTS PAID MEMBER, LIMITATION. —

Should any error in any records result in any [member's] member or [beneficiary's] beneficiary receiving more or less than he or she would have been entitled to receive had the records been correct, the board shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be paid, and to this end may recover any overpayments. In all cases in which such error has been made, no such error shall be corrected unless the system discovers or is notified of such error within ten years after the [initial] member's annuity starting date or date of error, whichever occurs later. In cases of fraud, any error discovered shall be corrected without concern for the amount of time that has passed.

104.312. PENSION, ANNUITY, BENEFIT, RIGHT, AND ALLOWANCE IS MARITAL PROPERTY — DIVISION OF BENEFITS ORDER, REQUIREMENTS — INFORMATION FOR COURTS — REJECTION OF DIVISION OF BENEFITS ORDER — BASIS FOR PAYMENT TO ALTERNATE PAYEE — CALCULATION OF DIVISION OF BENEFITS. — 1. The provisions of subsection 2 of section 104.250, subsection 2 of section 104.540, subsection 2 of section 287.820, and section 476.688 to the contrary notwithstanding, any pension, annuity, benefit, right, or retirement allowance provided pursuant to this chapter, chapter 287, or chapter 476 is marital property and after August 28, 1994, a court of competent jurisdiction may divide the pension, annuity, benefits, rights, and retirement allowance provided pursuant to this chapter, chapter 287, or chapter 476 between the parties to any action for dissolution of marriage. A division of benefits order issued pursuant to this section:

(1) Shall not require the applicable retirement system to provide any form or type of annuity or retirement plan not selected by the member and not normally made available by that system;

(2) Shall not require the applicable retirement system to commence payments until the member submits a valid application for an annuity and the annuity becomes payable in accordance with the application;

(3) Shall identify the monthly amount to be paid to the alternate payee, which shall be expressed as a percentage and which shall not exceed fifty percent of the amount of the member's annuity accrued during all or part of the time while the member and alternate payee were married excluding service accrued under 104.601; and which shall be based on the member's vested annuity on the date of the dissolution of marriage or an earlier date as specified in the order, which amount shall be adjusted proportionately if the member's annuity is reduced due to early retirement or the member's annuity is reduced pursuant to section 104.395 under an annuity option in which the member named the alternate payee as beneficiary prior to the dissolution of marriage or pursuant to section 104.090 under an annuity option in which the member on or after August 28, 2007, named the alternative payee as beneficiary prior to the dissolution of marriage, and the percentage established shall be applied to the pro rata portion of any lump sum distribution pursuant to subsection 6 of section 104.335, accrued during the time while the member and alternate payee were married;

(4) Shall not require the payment of an annuity amount to the member and alternate payee which in total exceeds the amount which the member would have received without regard to the order;

(5) Shall provide that any benefit formula increases, additional years of service, increased average compensation or other type of increases accrued after the date of the dissolution of marriage shall accrue

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solely to the benefit of the member; except that on or after September 1, 2001, any annual benefit increase paid after the member's annuity starting date shall not be considered to be an increase accrued after the date of termination of marriage and shall be part of the monthly amount subject to division pursuant to any order issued after September 1, 2001;

(6) Shall terminate upon the death of either the member or the alternate payee, whichever occurs first;

(7) Shall not create an interest which is assignable or subject to any legal process;

(8) Shall include the name, address, and date of birth of both the member and the alternate payee, and the identity of the retirement system to which it applies;

(9) Shall be consistent with any other division of benefits orders which are applicable to the same member;

(10) Shall not require the applicable retirement system to continue payments to the alternate payee if the member's retirement benefit is suspended or waived as provided by this chapter but such payments shall resume when the retiree begins to receive retirement benefits in the future.

2. A system established by this chapter shall provide the court having jurisdiction of a dissolution of marriage proceeding or the parties to the proceeding with information necessary to issue a division of benefits order concerning a member of the system, upon written request from either the court, the member or the member's spouse, which cites this section and identifies the case number and parties.

3. A system established by this chapter shall have the discretionary authority to reject a division of benefits order for the following reasons:

(1) The order does not clearly state the rights of the member and the alternate payee;

(2) The order is inconsistent with any law governing the retirement system.

4. The amount paid to an alternate payee under an order issued pursuant to this section shall be based on the plan the member was in on the date of the dissolution of marriage; except that any annual benefit increases subject to division shall be based on the actual annual benefit increases received after the retirement plan election.

5. Any annuity payable under section 104.625 that is subject to a division of benefit order under this section shall be calculated as follows:

(1) In instances of divorce after retirement, any service or compensation of a member between the retroactive starting date and the annuity starting date shall not be considered creditable service or compensation; and

(2) The lump-sum payment described in subdivision (3) of section 104.625 shall not be subject to any division of benefit order.

104.380. RETIRED MEMBERS ELECTED TO STATE OFFICE, EFFECT OF — REEMPLOYMENT OF RETIRED MEMBERS, EFFECT OF. — 1. If a retired member is elected to any state office or is appointed to any state office or is employed by a department in a position normally requiring the performance by the person of duties during not less than one thousand forty hours per year, the member shall not receive an annuity for any month or part of a month for which the member serves as an officer or employee[, but] except, notwithstanding the provisions of section 105.684 to the contrary, those retired members serving as a member of the general assembly under section 104.370 or an elected state official under section 104.371.

2. Upon reemployment under subsection 1 of this section, the member shall be considered to be a new employee with no previous creditable service and must accrue creditable service continuously for at least one year in order to receive any additional annuity. Any retired member who again becomes an employee and who accrues additional creditable service and later retires shall receive an additional amount of monthly annuity calculated to include only the creditable service and the average compensation earned by the member since such employment or creditable service earned as a member of the general assembly. Years of membership service and twelfths of a year are to be used in calculating

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any additional annuity except for creditable service earned as a member of the general assembly, and such additional annuity shall be based on the type of service accrued. In either event, the original annuity and the additional annuity, if any, shall be paid commencing with the end of the first month after the month during which the member's term of office has been completed, or the member's employment terminated. If a retired member is employed by a department in a position that does not normally require the person to perform duties during at least one thousand forty hours per year, the member shall not be considered an employee as defined pursuant to section 104.010. A retired member who becomes reemployed as an employee on or after August 28, 2001, in a position covered by the Missouri department of transportation and highway patrol employees' retirement system shall not be eligible to receive retirement benefits or additional creditable service from the state employees' retirement system. Annual benefit increases paid under section 104.415 shall not accrue while a retired member is employed as described in this section except, notwithstanding the provisions of section 105.684 to the contrary, those retired members serving as a member of the general assembly under section 104.370 or an elected state official under section 104.371. Any future annual benefit increases paid after the member terminates such employment will be paid in the same month as the member's original annual benefit increases were paid. Benefits paid under subsection 3 of section 104.374 are not applicable to any additional annuity paid under this section.

104.410. DISABILITY BENEFITS, WHO ENTITLED, ELIGIBILITY — HOW CALCULATED — ELIGIBILITY REQUIREMENTS — DISABLED, A NORMAL RETIREE, WHEN — TERMINATION OF DISABILITY, EFFECT — MEMBERS OF GENERAL ASSEMBLY AND STATEWIDE ELECTED OFFICIALS, ACCRUAL OF SERVICE. — 1. Any uniformed member of the water patrol who shall be affirmatively found by the board to be wholly and permanently incapable of holding any position of gainful employment as a result of injuries or illness incurred in the performance of the member's duties shall be entitled to receive disability benefits in an amount equal to one-half of the compensation that the employee was receiving at the time of the occurrence of the injury entitling the employee to such disability benefits. Any disability benefit payable pursuant to this subsection shall be decreased by any amount paid to such uniformed member of the water patrol by reason of the workers' compensation laws of this state. After termination of payment under workers' compensation, however, any such reduction and disability benefits shall be restored.

2. The board of trustees may require a medical examination of any uniformed member of the water patrol who is receiving disability benefits pursuant to this section at any time by a designated physician, and disability benefits shall be discontinued if the board finds that such member is able to perform the duties of the member's former position, or if such member refuses to submit to such an examination.

3. The disability benefits described in this section shall not be paid to any uniformed member of the water patrol who has retained or regained more than fifty percent of the member's earning capacity. If any uniformed member of the water patrol who has been receiving disability benefits again becomes an employee, the member's disability benefits shall be discontinued, the member's prior period of creditable service shall be restored, and any subsequent determination of benefits due the member or the member's survivors shall be based on the sum of the member's creditable service accrued to the date the member's disability benefits commenced and the period of creditable service after the member's return to employment.

4. Any uniformed member of the water patrol receiving benefits pursuant to the provisions of this section for five or more years immediately prior to attainment of age fifty-five shall be considered a normal retirant at age fifty-five, and may elect, within thirty days preceding the attainment of age fifty-five, option 1 of section 104.395, but only for the member's spouse who was the member's spouse for two or more years prior to the member's attainment of age fifty-five.

5. Any member who is receiving disability benefits as of December 31, 1985, or any member who is disabled on December 31, 1985, and would have been entitled to receive disability benefits pursuant

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to this section as the provisions of this section existed immediately prior to September 28, 1985, shall be eligible to receive or shall continue to receive benefits in accordance with such prior provisions of this section until the member again becomes an employee; however, all employees of the department of conservation who are disabled shall receive benefits pursuant only to this section or section 104.518, whichever is applicable, and shall not be eligible for benefits under any other plan or program purchased or provided after September 28, 1985.

6. Any member who qualifies for disability benefits pursuant to subsection 1 of this section or pursuant to the provisions of section 104.518, or under a long-term disability program provided by the member's employing department as a consequence of employment by the department, shall continue to accrue creditable service based on the member's rate of pay immediately prior to the date the member became disabled in accordance with sections 104.370, 104.371, 104.374 and 104.615, until the date the member's retirement benefit goes into pay status, the disability benefits cease being paid to the member, or the member is no longer disabled, whichever comes first. Persons covered by the provisions of sections 476.515 to 476.565 or sections 287.812 to 287.855, who qualify for disability benefits pursuant to the provisions of section 104.518, at the date the person becomes disabled, shall continue to accrue creditable service based on the person's rate of pay immediately prior to the date the person becomes disabled until the date the person's retirement benefit goes into pay status, the disability benefits cease being paid to the person or the person is no longer disabled, whichever comes first. Members or persons continuing to accrue creditable service pursuant to this subsection shall be entitled to continue their life insurance coverage subject to the provisions of the life insurance plan administered by the board pursuant to section 104.517. The rate of pay for purposes of calculating retirement benefits for a member or person described in this subsection who becomes disabled and retires on or after August 28, 1999, shall be the member's or person's regular monthly compensation received at the time of disablement, increased thereafter for any increases in the consumer price index. Such increases in the member's monthly pay shall be made annually beginning twelve months after disablement and shall be equal to eighty percent of the increase in the consumer price index during the calendar year prior to the adjustment, but not more than five percent of the member's monthly pay immediately before the increase. Such accruals shall continue until the earliest of: receipt of an early retirement annuity, attainment of normal retirement eligibility or termination of disability benefits.

7. A member or person who continues to be disabled as provided in subsection 6 of this section until the member's normal retirement age shall be eligible to retire on the first day of the month next following the member's or person's final payment pursuant to section 104.518 or, if applicable, subsection 1 of this section. A member or person who retires pursuant to this subsection shall receive the greater of the normal annuity or the minimum annuity, if applicable, determined pursuant to sections 104.370, 104.371, 104.374 and 104.615, and section 287.820, and section 476.530 as if the member or person had continued in the active employ of the employer until the member's or person's retirement benefit goes into pay status, the disability benefits cease being paid to the member or person, or the member or person is no longer disabled, whichever comes first and the member's or person's compensation for such period had been the member's or person's rate of pay immediately preceding the date the member or person became disabled.

8. If a member who has been disabled becomes an employee again and if the member was disabled during the entire period of the member's absence, then the member shall resume active participation as of the date of reemployment. Such a member shall receive creditable service for the entire period the member was disabled as provided in subsection 6 of this section.

9. If a member ceases to be disabled and if the member does not return to work as provided in subsection 8 of this section, the member's rights to further benefits shall be determined in accordance with sections 104.335, 104.380, 104.400, 104.420 and 104.615 as though the member had withdrawn from service as of the date the member ceased to be disabled, as determined by the system.

10. Members of the general assembly who are accruing service under subsection 6 of this section shall continue to accrue service until the earliest of attainment of normal retirement age eligibility, termination of disability benefits, or the end of the member's constitutionally mandated limit on service as a member of the general assembly for the chamber in which the member was serving at the time of disablement.

11. Statewide elected officials who are accruing service under subsection 6 of this section shall continue to accrue service until the earliest of attainment of normal retirement age eligibility, termination of disability benefits, or the end of the statewide elected official's constitutionally mandated limit on service as a statewide elected official for the office in which the statewide elected official was serving at the time of disablement.

104.436. FINANCING PATTERN FOR CONTRIBUTION DETERMINATIONS — COMMISSIONER OF ADMINISTRATION TO CERTIFY PAYMENT. — 1. The board intends to follow a financing pattern which computes and requires contribution amounts which, expressed as percents of active member payroll, will remain approximately level from year to year and from one generation of citizens to the next generation. Such contribution determinations require regular actuarial valuations, which shall be made by the board's actuary, using assumptions and methods adopted by the board after consulting with its actuary. The entry age normal cost valuation method shall be used in determining the normal cost, and contributions for unfunded accrued liabilities shall be determined using level percent-of-payroll amortization calculation.

2. At least ninety days before each regular session of the general assembly, the board shall certify to the division of budget the contribution rate necessary to cover the liabilities of the plan administered by the system, including costs of administration, expected to accrue during the next appropriation period. The commissioner of administration shall request appropriation of the amount calculated pursuant to the provisions of this subsection. Following each pay period, the commissioner of administration shall requisition and certify the payment to the executive director of the Missouri state employees' retirement system. The executive director shall promptly deposit the amounts certified to the credit of the Missouri state employees' retirement fund.

3. The employers of members of the system who are not paid out of funds that have been deposited in the state treasury shall remit promptly to the executive director an amount equal to the amount which the state would have paid if those members had been paid entirely from state funds. The executive director shall promptly deposit the amounts certified to the credit of the Missouri state employees' retirement system fund.

4. These amounts are funds of the system, and shall not be commingled with any funds in the state treasury.

104.490. CORRECTION OF ERRORS IN AMOUNT PAID MEMBERS — FALSIFICATION OF RECORDS, PENALTY — SURVIVOR OR BENEFICIARY CHARGED WITH KILLING MEMBER, DENIAL OF BENEFITS, RESUMPTION OF PAYMENTS IF NOT CONVICTED. — 1. Should any error result in any member or beneficiary receiving more or less than he or she would have been entitled to receive had the error not occurred, the board shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be paid, and to this end may recover any overpayments. In all cases in which such error has been made, no such error shall be corrected unless the system discovers or is notified of such error within ten years after the [initial] member's annuity starting date or date of error, whichever occurs later. In cases of fraud, any error discovered shall be corrected without concern to the amount of time that has passed.

2. A person who knowingly makes a false statement, or falsifies or permits to be falsified a record of the system, in an attempt to defraud the system is subject to fine or imprisonment pursuant to the Missouri revised statutes.

3. The board of trustees of the Missouri state employees' retirement system shall cease paying benefits to any survivor or beneficiary who is charged with the intentional killing of a member without legal excuse or justification. A survivor or beneficiary who is convicted of such charge shall no longer be entitled to receive benefits. If the survivor or beneficiary is not convicted of such charge, the board shall resume payment of benefits and shall pay the survivor or beneficiary any benefits that were suspended pending resolution of such charge.

104.515. INSURANCE AND DISABILITY BENEFITS TO BE KEPT IN SEPARATE ACCOUNTS — STATE'S CONTRIBUTION, AMOUNT, CONTRIBUTION TO BE MADE FROM HIGHWAY FUNDS FOR CERTAIN EMPLOYEES, WHEN — EMPLOYEES AND FAMILIES, WHO ARE COVERED FOR MEDICAL INSURANCE — PREMIUM COLLECTION FOR AMOUNT NOT COVERED BY STATE — SPECIAL CONSULTANTS, DUTIES, COMPENSATION, BENEFITS. — 1. Separate accounts for medical, life insurance and disability benefits provided pursuant to sections 104.517 and 104.518 shall be established as part of the fund. The funds, property and return on investments of the separate account shall not be commingled with any other funds, property and investment return of the system. All benefits and premiums are paid solely from the separate account for medical, life insurance and disability benefits provided pursuant to this section.

2. The state shall contribute an amount as appropriated by law and approved by the governor per month for medical benefits, life insurance and long-term disability benefits as provided pursuant to this section and sections 104.517 and 104.518. Such amounts shall include the cost of providing life insurance benefits for each active employee who is a member of the Missouri state employees' retirement system, a member of the public school retirement system and who is employed by a state agency other than an institution of higher learning, a member of the retirement system established by sections 287.812 to 287.855, the judicial retirement system, each legislator and official holding an elective state office, members not on payroll status who are receiving workers' compensation benefits, and if the state highways and transportation commission so elects, those employees who are members of the state transportation department employees' and highway patrol retirement system; if the state highways and transportation commission so elects to join the plan, the state shall contribute an amount as appropriated by law for medical benefits for those employees who are members of the transportation department employees' and highway patrol retirement system; an additional amount equal to the amount required, based on competitive bidding or determined actuarially, to fund the retired members' death benefit or life insurance benefit, or both, provided in subsection 4 of this section and the disability benefits provided in section 104.518. This amount shall be reported as a separate item in the monthly certification of required contributions which the commissioner of administration submits to the state treasurer and shall be deposited to the separate account for medical, life insurance and disability benefits. All contributions made on behalf of members of the state transportation department employees' and highway patrol retirement system shall be made from highway funds. If the highways and transportation commission so elects, the spouses and unemancipated children under twenty-three years of age of employees who are members of the state transportation department employees' and highway patrol retirement system shall be able to participate in the program of insurance benefits to cover medical expenses pursuant to the provisions of subsection 3 of this section.

3. The board shall determine the premium amounts required for participating employees. The premium amounts shall be the amount, which, together with the state's contribution, is required to fund the benefits provided, taking into account necessary actuarial reserves. Separate premiums shall be established for employees' benefits and a separate premium or schedule of premiums shall be established for benefits for spouses and unemancipated children under twenty-three years of age of

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Matter underscored is proposed language.

participating employees. The employee's premiums for spouse and children benefits shall be established to cover that portion of the cost of such benefits which is not paid for by contributions by the state. All such premium amounts shall be paid to the board of trustees at the time that each employee's wages or salary would normally be paid. The premium amounts so remitted will be placed in the separate account for medical, life insurance and disability benefits. In lieu of the availability of premium deductions, the board may establish alternative methods for the collection of premium amounts.

4. Each special consultant eligible for life benefits employed by a board of trustees of a retirement system as provided in section 104.610 who is a member of the Missouri state life insurance plan or Missouri state transportation department and Missouri state highway patrol life insurance plan shall, in addition to duties prescribed in section 104.610 or any other law, and upon request of the board of trustees, give the board, orally or in writing, a short detailed statement on life insurance and death benefit problems affecting retirees. As compensation for the extra duty imposed by this subsection, any special consultant as defined above, other than a special consultant entitled to a deferred normal annuity pursuant to section 104.035 or 104.335, who retires on or after September 28, 1985, shall receive as a part of compensation for these extra duties, a death benefit of five thousand dollars, and any special consultant who terminates employment on or after August 28, 1999, after reaching normal or early retirement age and becomes a retiree within ~~[sixty]~~ sixty-five days of such termination shall receive five thousand dollars of life insurance coverage. In addition, each special consultant who is a member of the transportation department employees' and highway patrol retirement system medical insurance plan shall also provide the board, upon request of the board, orally or in writing, a short detailed statement on physical, medical and health problems affecting retirees. As compensation for this extra duty, each special consultant as defined above shall receive, in addition to all other compensation provided by law, nine dollars, or an amount equivalent to that provided to other special consultants pursuant to the provisions of section 103.115. In addition, any special consultant as defined in section 287.820 or section 476.601 who terminates employment and immediately retires on or after August 28, 1995, shall receive as a part of compensation for these duties, a death benefit of five thousand dollars and any special consultant who terminates employment on or after August 28, 1999, after reaching the age of eligibility to receive retirement benefits and becomes a retiree within ~~[sixty]~~ sixty-five days of such termination shall receive five thousand dollars of life insurance coverage.

5. Any former employee who is receiving disability income benefits from the Missouri state employees' retirement system or the transportation department employees' and highway patrol retirement system shall, upon application with the board of trustees of the Missouri consolidated health care plan or the transportation department employees and highway patrol medical plan, be made, constituted, appointed and employed by the respective board as a special consultant on the problems of the health of disability income recipients and, upon request of the board of trustees of each medical plan, give the board, orally or in writing, a short detailed statement of physical, medical and health problems affecting disability income recipients. As compensation for the extra duty imposed by this subsection, each such special consultant as defined in this subsection may receive, in addition to all other compensation provided by law, an amount contributed toward medical benefits coverage provided by the Missouri consolidated health care plan or the transportation employees and highway patrol medical plan pursuant to appropriations.

104.625. ANNUITIES AND LUMP SUM PAYMENTS, WHEN, DETERMINATION OF AMOUNT. —

Effective July 1, 2002, any member retiring pursuant to the provisions of sections 104.010 to 104.801, except an elected official or a member of the general assembly, who has not been paid retirement benefits and continues employment for at least two years beyond normal retirement age, may elect to receive an annuity and lump sum payment or payments, determined as follows:

(1) A retroactive starting date shall be established which shall be a date selected by the member; provided, however, that the retroactive starting date selected by the member shall not be a date which is earlier than the date when a normal annuity would have first been payable. In addition, the retroactive starting date shall not be more than five years prior to the annuity starting date, which shall be the first day of the month with respect to which an amount is paid as an annuity pursuant to this section. The member's selection of a retroactive starting date shall be done in twelve-month increments, except this restriction shall not apply when the member selects the total available time between the retroactive starting date and the annuity starting date;

(2) The prospective annuity payable as of the annuity starting date shall be determined pursuant to the provisions otherwise applicable under the law, with the exception that it shall be the amount which would have been payable had the member actually retired on the retroactive starting date under the retirement plan selected by the member. Other than for the lump sum payment or payments specified in subdivision (3) of this section, no other amount shall be due for the period between the retroactive starting date and the annuity starting date;

(3) The lump sum payable shall be ninety percent of the annuity amounts which would have been paid to the member from the retroactive starting date to the annuity starting date had the member actually retired on the retroactive starting date and received a normal annuity. The member shall [elect to] receive the lump sum amount [either] in its entirety at the same time as the initial annuity payment is made [or in three equal annual installments with the first payment made at the same time as the initial annuity payment]; and

(4) [Any annuity payable pursuant to this section that is subject to a division of benefit order pursuant to section 104.312 shall be calculated as follows:

(a) Any service of a member between the retroactive starting date and the annuity starting date shall not be considered creditable service except for purposes of calculating the division of benefit; and

(b) The lump sum payment described in subdivision (3) of this section shall not be subject to any division of benefit order; and

(5)] For purposes of determining annual benefit increases payable as part of the lump sum and annuity provided pursuant to this section, the retroactive starting date shall be considered the member's date of retirement.

104.810. WATER PATROL EMPLOYEES, MEMBERSHIP OPTIONS. — 1. Employees of the Missouri state water patrol who are earning creditable service in the closed plan of the Missouri state employees' retirement system and who are transferred to the division of water patrol with the Missouri state highway patrol shall elect within ninety days of January 1, 2011, to either remain a member of the Missouri state employees' retirement system or transfer membership and creditable service to the closed plan of the Missouri department of transportation and highway patrol employees' retirement system. The election shall be made in writing after the employee has received a detailed analysis comparing retirement, life insurance, disability benefits, and medical benefits of a member of the Missouri state employees' retirement system with the corresponding benefits provided an employee of the highway patrol covered by the closed plan of the Missouri department of transportation and highway patrol employees' retirement system. In electing plan membership the employee shall acknowledge and agree that an election made under this subsection is irrevocable, and constitutes a waiver to receive retirement, life insurance, disability benefits, and medical benefits except as provided by the system elected by the employee. Furthermore, in connection with the election, the employee shall be required to acknowledge that the benefits provided by virtue of membership in either system, and any associated costs to the employee, may be different now or in the future as a result of the election and that the employee agrees to hold both systems harmless with regard to benefit differences resulting from the election. In the event an employee terminates employment and later returns to the same position, the employee shall be a

member of the system in which he or she was a member prior to termination. If the employee returns to any other position, the employee shall be a member of the system that currently covers that position.

2. Employees of the Missouri state water patrol who are earning credited service in the year 2000 plan of the Missouri state employees' retirement system and who are transferred to the division of water patrol with the Missouri state highway patrol shall elect within ninety days of January 1, 2011, to either remain a member of the Missouri state employees' retirement system or transfer membership and creditable service to the year 2000 plan of the Missouri department of transportation and highway patrol employees' retirement system. The election shall be made in writing after the employee has received a detailed analysis comparing retirement, life insurance, disability benefits, and medical benefits of a member of the Missouri state employees' retirement system with the corresponding benefits provided an employee of the highway patrol covered by the year 2000 plan of the Missouri department of transportation and highway patrol employees' retirement system. In electing plan membership the employee shall acknowledge and agree that an election made under this subsection is irrevocable, and constitutes a waiver to receive retirement, life insurance, disability benefits, and medical benefits except as provided by the system elected by the employee. Furthermore, in connection with the election, the employee shall be required to acknowledge that the benefits provided by virtue of membership in either system, and any associated costs to the employee, may be different now or in the future as a result of the election and that the employee agrees to hold both systems harmless with regard to benefit differences resulting from the election.

3. The Missouri state employees' retirement system shall pay to the Missouri department of transportation and highway patrol employees' retirement system, by June 30, 2011, an amount actuarially determined to equal the liability at the time of the transfer for any employee who elects under subsection 1 or 2 of this section to transfer to the Missouri department of transportation and highway patrol employees' retirement system, to the extent that liability is funded as of the most recent actuarial valuation and based on the actuarial value of assets not to exceed one hundred percent.

4. In no event shall any employee receive service credit for the same period of service under more than one retirement system as a result of the provisions of this section.

5. The only medical coverage available for any employee who elects under subsection 1 or 2 of this section to transfer to the Missouri department of transportation and highway patrol employees' retirement system shall be the medical coverage provided in section 104.270. The effective date for commencement of medical coverage shall be July 1, 2011. However, this does not preclude medical coverage for the transferred employee as a dependent under any other health care plan.

6. Any employee who elects under subsection 1 or 2 of this section to transfer to the Missouri department of transportation and highway patrol employees' retirement system and who is also thereafter a uniformed member of the highway patrol shall be subject to the mandatory retirement age stated in section 104.081.

104.1003. DEFINITIONS. — 1. Unless a different meaning is plainly required by the context, the following words and phrases as used in sections 104.1003 to 104.1093 shall mean:

- (1) "Act", the year 2000 plan created by sections 104.1003 to 104.1093;
- (2) "Actuary", an actuary who is experienced in retirement plan financing and who is either a member of the American Academy of Actuaries or an enrolled actuary under the Employee Retirement Income Security Act of 1974;
- (3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds provided for in, or authorized by, sections 104.1003 to 104.1093;
- (4) "Annuity starting date" means the first day of the first month with respect to which an amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;
- (5) "Beneficiary", any persons or entities entitled to receive an annuity or other benefit pursuant to sections 104.1003 to 104.1093 based upon the employment record of another person;

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Matter underscored is proposed language.

(6) "Board of trustees", "board", or "trustees", a governing body or bodies established for the year 2000 plan pursuant to sections 104.1003 to 104.1093;

(7) "Closed plan", a benefit plan created pursuant to this chapter and administered by a system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become a member of the closed plan, but the closed plan shall continue to function for the benefit of persons covered by and remaining in the closed plan and their beneficiaries;

(8) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by the board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

(9) "Credited service", the total credited service to a member's credit as provided in sections 104.1003 to 104.1093; except that in no case shall more than one day of credited service be credited to any member or vested former member for any one calendar day of eligible credit as provided by law;

(10) "Department", any department or agency of the executive, legislative, or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system pursuant to this chapter as otherwise provided by law;

(11) "Early retirement eligibility", a member's attainment of fifty-seven years of age and the completion of at least five years of credited service;

(12) "Effective date", July 1, 2000;

(13) "Employee" shall be any person who is employed by a department and is paid a salary or wage by a department in a position normally requiring the performance of duties of not less than one thousand forty hours per year, provided:

(a) The term "employee" shall not include any patient or inmate of any state, charitable, penal or correctional institution, or any person who is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created by this chapter;

(b) The term "employee" shall be modified as provided by other provisions of sections 104.1003 to 104.1093;

(c) The system shall consider a person who is employed in multiple positions simultaneously within a single agency to be working in a single position for purposes of determining whether the person is an employee as defined in this subdivision;

(d) [Beginning September 1, 2001, the term "year" as used in this subdivision shall mean the twelve-month period beginning on the first day of employment;

(e)] The term "employee" shall include any person as defined under paragraph (b) of subdivision (21) of subsection 1 of section 104.010 who is first employed on or after July 1, 2000, but prior to August 28, 2007;

(14) "Employer", a department;

(15) "Executive director", the executive director employed by a board established pursuant to the provisions of sections 104.1003 to 104.1093;

(16) "Final average pay", the average pay of a member for the thirty-six full consecutive months of service before termination of employment when the member's pay was greatest; or if the member was on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of pay the member would have received but for such leave of absence as reported and verified by the employing department; or if the member was employed for less than thirty-six months, the average monthly pay of a member during the period for which the member was employed. The board of each system may promulgate rules for purposes of calculating final average pay and other retirement provisions to accommodate for any state payroll system in which pay is received on a monthly, semimonthly, biweekly, or other basis;

(17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to 104.1093;

(18) "Investment return", or "interest", rates as shall be determined and prescribed from time to time by a board;

(19) "Member", a person who is included in the membership of the system, as set forth in section 104.1009;

(20) "Normal retirement eligibility", a member's attainment of at least sixty-two years of age and the completion of at least five or more years of credited service or, the attainment of at least forty-eight years of age with a total of years of age and years of credited service which is at least eighty or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provisions of section ~~104.080~~ 104.081, the mandatory retirement age and completion of five years of credited service or, the attainment of at least forty-eight years of age with a total of years of age and years of credited service which is at least eighty;

(21) "Pay" shall include:

(a) All salary and wages payable to an employee for personal services performed for a department; but excluding:

a. Any amounts paid after an employee's employment is terminated, unless the payment is made as a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000;

b. Any amounts paid upon termination of employment for unused annual leave or unused sick leave;

c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986 as amended and other applicable federal laws or regulations;

d. Any nonrecurring single sum payments; and

e. Any amounts for which contributions have not been made in accordance with section 104.1066;

(b) All salary and wages which would have been payable to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) All salary and wages which would have been payable to an employee on a medical leave due to employee illness, as reported and verified by the employing department;

(d) For purposes of members of the general assembly, pay shall be the annual salary provided to each senator and representative pursuant to section 21.140, plus any salary adjustment pursuant to section 21.140;

(e) The board by its rules may further define "pay" in a manner consistent with this definition;

(22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the person's employment record;

(23) "State", the state of Missouri;

(24) "System" or "retirement system", the Missouri state employees' retirement system or the Missouri department of transportation and highway patrol employees' retirement system, as the case may be;

(25) "Vested former member", a person entitled to receive a deferred annuity pursuant to section 104.1036;

(26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093.

2. Benefits paid under the provisions of this chapter shall not exceed the limitations of Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan under Section 415(m) of the Internal Revenue Code of 1986, as amended. Such plan shall be created solely for the purposes described in Section 415(m)(3)(A) of the Internal Revenue Code of 1986, as amended. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

104.1018. VESTING OF BENEFITS, WHEN — REEMPLOYMENT OF MEMBER, EFFECT OF. —

1. When a member is no longer employed in a position covered by the system, membership in the system shall thereupon cease. If a member has five or more years of credited service upon such member's termination of membership, such member shall be a vested former member entitled to a deferred annuity pursuant to section 104.1036, except as otherwise provided in subsection 7 of section 104.1024. If a member has fewer than five years of credited service upon termination of membership, such former member's credited service shall be forfeited, provided that if such former member becomes reemployed in a position covered by the system, such former member shall again become a member of the system and the forfeited credited service shall be restored after receiving creditable service continuously for one year.

2. Upon a member becoming a retiree, membership shall cease and, except as otherwise provided in section 104.1039, the person shall not again become a member of the system.

3. If a vested former member becomes reemployed in a position covered by the system before such vested former member's annuity starting date, membership shall be restored with the previous credited service and increased by such reemployment.

104.1024. RETIREMENT, APPLICATION — ANNUITY PAYMENTS, HOW PAID, AMOUNT — ELECTION TO RECEIVE ANNUITY OR LUMP SUM PAYMENT FOR CERTAIN EMPLOYEES, DETERMINATION OF AMOUNT. —

1. Any member who terminates employment may retire on or after attaining normal retirement eligibility by making application in written form and manner approved by the appropriate board. The written application shall set forth the annuity starting date which shall not be earlier than the first day of the second month following the month of the execution and filing of the member's application for retirement nor later than the first day of the fourth month following the month of the execution and filing of the member's application for retirement. The payment of the annuity shall be made the last working day of each month, providing all documentation required under section 104.1027 for the calculation and payment of the benefits is received by the board.

2. A member's annuity shall be paid in the form of a life annuity, except as provided in section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service.

3. The life annuity defined in subsection 2 of this section shall not be less than a monthly amount equal to fifteen dollars multiplied by the member's full years of credited service.

4. If as of the annuity starting date of a member who has attained normal retirement eligibility the sum of the member's years of age and years of credited service equals eighty or more years and if the member's age is at least forty-eight years but less than sixty-two years, or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provision of section [104.080] 104.081, the mandatory retirement age and completion of five years of credited service, then in addition to the life annuity described in subsection 2 of this section, the member shall receive a temporary annuity equal to eight-tenths of one percent of the member's final average pay multiplied by the member's years of credited service. The temporary annuity and any cost-of-living adjustments attributable to the temporary annuity pursuant to section 104.1045 shall terminate at the end of the calendar month in which the earlier of the following events occurs: the member's death or the member's attainment of the earliest age of eligibility for reduced Social Security retirement benefits, but no later than age sixty-two.

5. The annuity described in subsection 2 of this section for any person who has credited service not covered by the federal Social Security Act, as provided in [sections 105.300 to 105.430] subdivision (1) of subsection 7 of section 104.342, shall be calculated as follows: the life annuity shall be an amount equal to two and five-tenths percent of the final average pay of the member multiplied by the number of years of service not covered by the federal Social Security Act in addition to one and seven-tenths percent of the final average pay of the member multiplied by the member's years of credited service covered by the federal Social Security Act.

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6. Effective July 1, 2002, any member, except an elected official or a member of the general assembly, who has not been paid retirement benefits and continues employment for at least two years beyond the date of normal retirement eligibility, may elect to receive an annuity and lump sum payment or payments, determined as follows:

(1) A retroactive starting date shall be established which shall be a date selected by the member; provided, however, that the retroactive starting date selected by the member shall not be a date which is earlier than the date when a normal annuity would have first been payable. In addition, the retroactive starting date shall not be more than five years prior to the annuity starting date. The member's selection of a retroactive starting date shall be done in twelve-month increments, except this restriction shall not apply when the member selects the total available time between the retroactive starting date and the annuity starting date;

(2) The prospective annuity payable as of the annuity starting date shall be determined pursuant to the provisions of this section, with the exception that it shall be the amount which would have been payable at the annuity starting date had the member actually retired on the retroactive starting date under the retirement plan selected by the member. Other than for the lump sum payment or payments specified in subdivision (3) of this subsection, no other amount shall be due for the period between the retroactive starting date and the annuity starting date;

(3) The lump sum payable shall be ninety percent of the annuity amounts which would have been paid to the member from the retroactive starting date to the annuity starting date had the member actually retired on the retroactive starting date and received a life annuity. The member shall [elect to] receive the lump sum amount [either] in its entirety at the same time as the initial annuity payment is made [or in three equal annual installments with the first payment made at the same time as the initial annuity payment]; and

(4) [Any annuity payable pursuant to this section that is subject to a division of benefit order pursuant to section 104.1051 shall be calculated as follows:

(a) Any service of a member between the retroactive starting date and the annuity starting date shall not be considered credited service except for purposes of calculating the division of benefit; and

(b) The lump sum payment described in subdivision (3) of this section shall not be subject to any division of benefit order; and

(5) For purposes of determining annual benefit increases payable as part of the lump sum and annuity provided pursuant to this section, the retroactive starting date shall be considered the member's date of retirement.

7. Any vested former member who terminated employment after attaining normal retirement eligibility shall be considered a member for the purposes of this section.

104.1039. REEMPLOYMENT OF A RETIREE, EFFECT ON ANNUITY — COST-OF-LIVING ADJUSTMENTS. — If a retiree is employed as an employee by a department, the retiree shall not receive an annuity payment for any calendar month in which the retiree is so employed except, notwithstanding the provisions of section 105.684 to the contrary, those retirees serving as a member of the general assembly or as a statewide elected official under section 104.1084. While reemployed the retiree shall be considered to be a new employee with no previous credited service and must accrue credited service continuously for at least one year in order to receive any additional annuity. Such retiree shall receive an additional annuity in addition to the original annuity, calculated based only on the credited service and the pay earned by such retiree during reemployment and paid in accordance with the annuity option originally elected; provided such retiree who ceases to receive an annuity pursuant to this section shall not receive such additional annuity if such retiree is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created pursuant to this chapter. The original annuity and any additional annuity shall be paid commencing as of the end of the first month after the month during which the retiree's reemployment terminates. Cost-of-living adjustments paid

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under section 104.1045 shall not accrue while a retiree is employed as described in this section except, notwithstanding the provisions of section 105.684 to the contrary, those retirees serving as a member of the general assembly or as a statewide elected official under section 104.1084. Any future cost-of-living adjustments paid after the retiree terminates such employment will be paid in the same month as the retiree's original annual benefit increases were paid.

104.1051. ANNUITY DEEMED MARITAL PROPERTY — DIVISION OF BENEFITS — CALCULATION. — 1. Any annuity provided pursuant to the year 2000 plan is marital property and a court of competent jurisdiction may divide such annuity between the parties to any action for dissolution of marriage if at the time of the dissolution the member has at least five years of credited service pursuant to sections 104.1003 to 104.1093. A division of benefits order issued pursuant to this section:

(1) Shall not require the applicable retirement system to provide any form or type of annuity or retirement plan not selected by the member;

(2) Shall not require the applicable retirement system to commence payments until the member's annuity starting date;

(3) Shall identify the monthly amount to be paid to the former spouse, which shall be expressed as a percentage and which shall not exceed fifty percent of the amount of the member's annuity accrued during all or part of the period of the marriage of the member and former spouse excluding service accrued under subsection 2 of section 104.1021; and which shall be based on the member's vested annuity on the date of the dissolution of marriage or an earlier date as specified in the order, which amount shall be adjusted proportionately upon the annuity starting date if the member's annuity is reduced due to the receipt of an early retirement annuity or the member's annuity is reduced pursuant to section 104.1027 under an annuity option in which the member named the alternate payee as beneficiary prior to the dissolution of marriage;

(4) Shall not require the payment of an annuity amount to the member and former spouse which in total exceeds the amount which the member would have received without regard to the order;

(5) Shall provide that any annuity increases, additional years of credited service, increased final average pay, increased pay pursuant to subsections 2 and 5 of section 104.1084, or other type of increases accrued after the date of the dissolution of marriage and any temporary annuity received pursuant to subsection 4 of section 104.1024 shall accrue solely to the benefit of the member; except that on or after September 1, 2001, any cost-of-living adjustment (COLA) due after the annuity starting date shall not be considered to be an increase accrued after the date of termination of marriage and shall be part of the monthly amount subject to division pursuant to any order issued after September 1, 2001;

(6) Shall terminate upon the death of either the member or the former spouse, whichever occurs first;

(7) Shall not create an interest which is assignable or subject to any legal process;

(8) Shall include the name, address, and date of birth of both the member and the former spouse, and the identity of the retirement system to which it applies;

(9) Shall be consistent with any other division of benefits orders which are applicable to the same member;

(10) Shall not require the applicable retirement system to continue payments to the alternate payee if the member's retirement benefit is suspended or waived as provided by this chapter but such payments shall resume when the retiree begins to receive retirement benefits in the future.

2. A system shall provide the court having jurisdiction of a dissolution of a marriage proceeding or the parties to the proceeding with information necessary to issue a division of benefits order concerning a member of the system, upon written request from either the court, the member, or the member's spouse, citing this section and identifying the case number and parties.

3. A system shall have the discretionary authority to reject a division of benefits order for the following reasons:

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- (1) The order does not clearly state the rights of the member and the former spouse;
- (2) The order is inconsistent with any law governing the retirement system.

4. Any member of the closed plan who elected the year 2000 plan pursuant to section 104.1015 and then becomes divorced and subject to a division of benefits order shall have the division of benefits order calculated pursuant to the provisions of the year 2000 plan.

5. Any annuity payable under section 104.1024 that is subject to a division of benefit order under this section shall be calculated as follows:

(1) In instances of divorce after retirement, any service or pay of a member between the retroactive starting date and the annuity starting date shall not be considered creditable service or pay; and

(2) The lump-sum payment described in subdivision (3) of subsection 6 of section 104.1024 shall not be subject to any division of benefit order.

104.1060. ERRONEOUS AMOUNT PAID, CORRECTION — PENALTY FOR FALSIFICATION — DISQUALIFICATION FROM RECEIPT OF PAYMENTS, WHEN. — 1. Should any error result in any person receiving more or less than the person would have been entitled to receive had the error not occurred, the board shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the annuity to which such person was entitled shall be paid, and to this end may recover any overpayments. In all cases in which such error has been made, no such error shall be corrected unless the system discovers or is notified of such error within ten years after the [initial] member's annuity starting date or the date of error, whichever occurs later. In cases of fraud, any error discovered shall be corrected without concern to the amount of time that has passed.

2. A person who knowingly makes a false statement, or falsifies or permits to be falsified a record of the system, in an attempt to defraud the system shall be subject to fine or imprisonment under the Missouri revised statutes.

3. A board shall not pay an annuity to any survivor or beneficiary who is charged with the intentional killing of a member, retiree or survivor without legal excuse or justification. A survivor or beneficiary who is convicted of such charge shall no longer be entitled to receive an annuity. If the survivor or beneficiary is not convicted of such charge, the board shall resume annuity payments and shall pay the survivor or beneficiary any annuity payments that were suspended pending resolution of such charge.

104.1066. ACTUARIAL VALUATIONS, METHODS USED — CERTIFICATION OF CONTRIBUTION RATE, WHEN. — 1. The year 2000 plan intends to follow a financing pattern which computes and requires contribution amounts which, expressed as percents of active member payroll, will remain approximately level from year to year and from one generation of citizens to the next generation. Such contribution determinations require regular actuarial valuations, which shall be made by the board's actuary, using assumptions and methods adopted by the board after consulting with its actuary. The entry age-normal cost valuation method shall be used in determining the normal cost[, and contributions for unfunded accrued liabilities shall be determined using level percent-of-payroll amortization] calculation. For purposes of this subsection and section 104.436, the actuary shall determine a single contribution rate applicable to both closed plan and year 2000 plan participants and, in determining such rate, make estimates of the probabilities of closed plan participants transferring to the year 2000 plan.

2. At least ninety days before each regular session of the general assembly, the board of the Missouri state employees' retirement system shall certify to the division of budget the contribution rate necessary to cover the liabilities of the year 2000 plan administered by such system, including costs of administration, expected to accrue during the next appropriation period. The commissioner of administration shall request appropriations based upon the contribution rate so certified. From

appropriations so made, the commissioner of administration shall certify contribution amounts to the state treasurer who in turn shall immediately pay the contributions to the year 2000 plan.

3. The employers of members covered by the Missouri state employees' retirement system who are not paid out of funds that have been deposited in the state treasury shall remit following each pay period to the year 2000 plan an amount equal to the amount which the state would have paid if those members had been paid entirely from state funds. Such employers shall maintain payroll records for a minimum of five years and shall produce all such records as requested by the system. The system is authorized to request from the state office of administration an appropriation out of the annual budget of any such employer in the event such records indicate that such employer has not contributed the amounts required by this section. The office of administration shall request such appropriation which shall be equal to the amount necessary to replace any shortfall in contributions as determined by the system. From appropriations so made, the commissioner of administration shall certify contribution amounts to the state treasurer who in turn shall immediately pay such contributions to the year 2000 plan.

4. At least ninety days before each regular session of the general assembly, the board of the transportation department and highway patrol retirement system shall certify to the department of transportation and the department of public safety the contribution rate necessary to cover the liabilities of the year 2000 plan administered by such system, including costs of administration, expected to accrue during the next biennial or other appropriation period. Each department shall include in its budget and in its request for appropriations for personal service the sum so certified to it by such board, and shall present the same to the general assembly for allowance. The sums so certified and appropriated, when available, shall be immediately paid to the system and deposited in the highway and transportation employees' and highway patrol retirement and benefit fund.

5. These amounts are funds of the year 2000 plan and shall not be commingled with any funds in the state treasury.

104.1072. LIFE INSURANCE BENEFITS — MEDICAL INSURANCE FOR CERTAIN RETIREES.

— 1. Each board shall provide or contract, or both, for life insurance benefits for employees covered pursuant to the year 2000 plan as follows:

(1) Employees shall be provided fifteen thousand dollars of life insurance until December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life insurance for employees covered under any retirement plan administered by the system pursuant to this chapter, persons covered by sections 287.812 to 287.856, for employees who are members of the judicial retirement system as provided in section 476.590, and, at the election of the state highways and transportation commission, employees who are members of the [highways and] Missouri department of transportation [employees] and highway patrol employees retirement system, in the amount equal to one times annual pay, subject to a minimum amount of fifteen thousand dollars. The board shall establish by rule or contract the method for determining the annual rate of pay and any other terms of such insurance as it deems necessary to implement the requirements pursuant to this section. Annual rate of pay shall not include overtime or any other irregular payments as determined by the board. Such life insurance shall provide for triple indemnity in the event the cause of death is a proximate result of a personal injury or disease arising out of and in the course of actual performance of duty as an employee;

(2) Any member who terminates employment after reaching normal or early retirement eligibility and becomes a retiree within [sixty] sixty-five days of such termination shall receive five thousand dollars of life insurance coverage.

2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of this section, any person for whom life insurance is provided or contracted for pursuant to such subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, additional life insurance at a cost to be stipulated in a contract with a private insurance company or as may be required by a system if the board of trustees determines that the system should provide such

insurance itself. The maximum amount of additional life insurance which may be so purchased prior to January 1, 2004, is that amount which equals six times the amount of the person's annual rate of pay, subject to any maximum established by a board, except that if such maximum amount is not evenly divisible by one thousand dollars, then the maximum amount of additional insurance which may be purchased is the next higher amount evenly divisible by one thousand dollars. The maximum amount of additional life insurance which may be so purchased on or after January 1, 2004, is an amount to be stipulated in a contract with a private insurance company or as may be required by the system if the board of trustees determines that the system should provide the insurance itself.

(2) Any person defined in subdivision (1) of this subsection may retain an amount not to exceed sixty thousand dollars of life insurance following the date of his or her retirement if such person becomes a retiree the month following termination of employment and makes written application for such life insurance at the same time such person's application is made to the board for retirement benefits. Such life insurance shall only be provided if such person pays the entire cost of the insurance, as determined by the board, by allowing voluntary deductions from the member's annuity.

(3) In addition to the life insurance authorized in subdivision (1) of this subsection, any person for whom life insurance is provided or contracted for pursuant to this subsection may purchase, at the person's own expense and only if monthly voluntary payroll deductions are authorized, life insurance covering the person's children or the person's spouse or both at coverage amounts to be determined by the board at a cost to be stipulated in a contract with a private insurer or as may be required by the system if the board of trustees determines that the system should provide such insurance itself.

(4) Effective July 1, 2000, any member who applies and is eligible to receive an annuity based on the attainment of at least forty-eight years of age with a total of years of age and years of credited service which is at least eighty shall be eligible to retain any optional life insurance described in subdivision (1) of this subsection. The amount of such retained insurance shall not be greater than the amount in effect during the month prior to termination of employment. Such insurance may be retained until the member's attainment of the earliest age for eligibility for reduced Social Security retirement benefits but no later than age sixty-two, at which time the amount of such insurance that may be retained shall be that amount permitted pursuant to subdivision (2) of this subsection.

3. The state highways and transportation commission may provide for insurance benefits to cover medical expenses for members of the [highways and] Missouri department of transportation [employees] and highway patrol employees' retirement system. The state highways and transportation commission may provide medical benefits for dependents of members and for retired members. Contributions by the state highways and transportation commission to provide the benefits shall be on the same basis as provided for other state employees pursuant to the provisions of section 104.515. Except as otherwise provided by law, the cost of benefits for dependents of members and for retirees and their dependents shall be paid by the members or retirees. The commission may contract with other persons or entities including but not limited to third-party administrators, health network providers and health maintenance organizations for all, or any part of, the benefits provided for in this section. The commission may require reimbursement of any medical claims paid by the commission's medical plan for which there was third-party liability.

4. The [highways and] Missouri department of transportation [employees] and highway patrol employees' retirement system may request the state highways and transportation commission to provide life insurance benefits as required in subsections 1 and 2 of this section. If the state highways and transportation commission agrees to the request, the [highways and] Missouri department of transportation [employees] and highway patrol employees' retirement system shall reimburse the state highways and transportation commission for any and all costs for life insurance provided pursuant to subdivision (2) of subsection 1 of this section. The person who is covered pursuant to subsection 2 of this section shall be solely responsible for the costs of any additional life insurance. In lieu of the life insurance benefit in subdivision (2) of subsection 1 of this section, the [highways and] Missouri

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department of transportation [employees] and highway patrol employees' retirement system is authorized in its sole discretion to provide a death benefit of five thousand dollars.

5. To the extent that the board enters or has entered into any contract with any insurer or service organization to provide life insurance provided for pursuant to this section:

(1) The obligation to provide such life insurance shall be primarily that of the insurer or service organization and secondarily that of the board;

(2) Any member who has been denied life insurance benefits by the insurer or service organization and has exhausted all appeal procedures provided by the insurer or service organization may appeal such decision by filing a petition against the insurer or service organization in a court of law in the member's county of residence; and

(3) The board and the system shall not be liable for life insurance benefits provided by an insurer or service organization pursuant to this section and shall not be subject to any cause of action with regard to life insurance benefits or the denial of life insurance benefits by the insurer or service organization unless the member has obtained judgment against the insurer or service organization for life insurance benefits and the insurer or service organization is unable to satisfy that judgment.

104.1084. RETIREMENT BENEFITS, GENERAL ASSEMBLY MEMBERS AND STATEWIDE ELECTED OFFICIALS — COLA PERMITTED, WHEN — INELIGIBILITY FOR BENEFITS — LONG-TERM DISABILITY, CONTINUED SERVICE CREDIT ACCRUAL. — 1. For members of the general assembly, the provisions of this section shall supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement eligibility" means attainment of age fifty-five for a member who has served at least three full biennial assemblies or the attainment of at least age fifty for a member who has served at least three full biennial assemblies with a total of years of age and years of credited service which is at least eighty. A member shall receive two years of credited service for every full biennial assembly served. A full biennial assembly shall be equal to the period of time beginning on the first day the general assembly convenes for a first regular session until the last day of the following year. If a member serves less than a full biennial assembly, the member shall receive credited service for the pro rata portion of the full biennial assembly served.

2. For the purposes of section 104.1024, the normal retirement annuity of a member of the general assembly shall be an amount for life equal to one twenty-fourth of the monthly pay for a senator or representative on the annuity starting date multiplied by the years of credited service as a member of the general assembly. In no event shall any such member or eligible beneficiary receive annuity amounts in excess of one hundred percent of pay.

3. To be covered by the provisions of section 104.1030, or section 104.1036, a member of the general assembly must have served at least three full biennial assemblies.

4. For members who are statewide elected officials, the provisions of this section shall supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement eligibility" means attainment of age fifty-five for a member who has served at least four years as a statewide elected official, or the attainment of age fifty with a total of years of age and years of such credited service which is at least eighty.

5. For the purposes of section 104.1024, the normal retirement annuity of a member who is a statewide elected official shall be an amount for life equal to one twenty-fourth of the monthly pay in the highest office held by such member on the annuity starting date multiplied by the years of credited service as a statewide elected official not to exceed twelve years.

6. To be covered by the provisions of sections 104.1030 and 104.1036, a member who is a statewide elected official must have at least four years as a statewide elected official.

7. The provisions of section 104.1045 shall not apply to persons covered by the general assembly and statewide elected official provisions of this section. Persons covered by the general assembly provisions and receiving a year 2000 plan annuity shall be entitled to a cost-of-living adjustment

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(COLA) when there are increases in pay for members of the general assembly. Persons covered by the statewide elected official provisions and receiving a year 2000 plan annuity shall be entitled to COLAs when there are increases in the pay for statewide elected officials in the highest office held by such person. The COLA described in this subsection shall be equal to and concurrent with the percentage increase in pay as described in section 105.005. No COLA shall be less than zero.

8. Any member who serves under this chapter as a member of the general assembly or as a statewide elected official on or after August 28, 1999, shall not be eligible to receive any retirement benefits from the system under either the closed plan or the year 2000 plan based on service rendered on or after August 28, 1999, as a member of the general assembly or as a statewide elected official if such member is convicted of a felony that is determined by a court of law to have been committed in connection with the member's duties either as a member of the general assembly or as a statewide elected official, unless such conviction is later reversed by a court of law.

9. A member of the general assembly who has purchased or transferred creditable service shall not be subject to the cap on benefits pursuant to subsection 2 of this section for that portion of the benefit attributable to the purchased or transferred service.

10. For the purposes of section 104.1042, the service credit accrued by a member of the general assembly while receiving long-term disability benefits shall continue to accrue until the earliest receipt of attainment of normal retirement age eligibility, termination of disability benefits, or the end of the member's constitutionally mandated limit on service as a member of the general assembly for the chamber in which the member was serving at the time of disablement.

11. For the purposes of section 104.1042, the service credit accrued by a statewide elected official while receiving long-term disability benefits shall continue to accrue until the earliest of attainment of normal retirement age eligibility, termination of disability benefits, or the end of the statewide elected official's constitutionally mandated limit on service as a statewide elected official for the office in which the statewide elected official was serving at the time of disablement.

104.1091. NEW EMPLOYEES, NORMAL RETIREMENT ELIGIBILITY — VESTING REQUIREMENTS — TEMPORARY ANNUITY, WHEN — EARLY RETIREMENT ANNUITY, WHEN — MINIMUM CREDITED SERVICE REQUIREMENTS — CONTRIBUTION AMOUNT — OPTIONS — CONDITIONS FOR RETIREMENT AFTER JANUARY 1, 2018, FOR CERTAIN EMPLOYEES. — 1. Notwithstanding any provision of the year 2000 plan to the contrary, each person who first becomes an employee on or after January 1, 2011, shall be a member of the year 2000 plan subject to the provisions of this section.

2. A member's normal retirement eligibility shall be as follows:

(1) The member's attainment of at least age sixty-seven and the completion of at least ten years of credited service; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or, in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, such member's attainment of at least age sixty or the attainment of at least age fifty-five with ten years of credited service;

(2) For members of the general assembly, the member's attainment of at least age sixty-two and the completion of at least three full biennial assemblies; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety;

(3) For statewide elected officials, the official's attainment of at least age sixty-two and the completion of at least four years of credited service; or the official's attainment of at least age fifty-five with the sum of the official's age and credited service equaling at least ninety.

3. A vested former member's normal retirement eligibility shall be based on the attainment of at least age sixty-seven and the completion of at least ten years of credited service.

4. A temporary annuity paid pursuant to subsection 4 of section 104.1024 shall be payable if the member has attained at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, the temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-five with ten years of credited service.

5. A member, other than a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, shall be eligible for an early retirement annuity upon the attainment of at least age sixty-two and the completion of at least ten years of credited service. A vested former member who terminated employment prior to the attainment of early retirement eligibility shall not be eligible for early retirement.

6. The provisions of subsection 6 of section 104.1021 and section 104.344 as applied pursuant to subsection 7 of section 104.1021 and section 104.1090 shall not apply to members covered by this section.

7. The minimum credited service requirements of five years contained in sections 104.1018, 104.1030, 104.1036, and 104.1051 shall be ten years for members covered by this section. The normal and early retirement eligibility requirements in this section shall apply for purposes of administering section 104.1087.

8. A member shall be required to contribute four percent of the member's pay to the retirement system, which shall stand to the member's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable under the year 2000 plan, subject to the following provisions:

(1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the member under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the member's pay that is includable in the member's gross income for federal income tax purposes;

(2) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of pay to a member. A deduction shall be made from each member's pay equal to the amount of the member's contributions picked up by the employer. This deduction, however, shall not reduce the member's pay for purposes of computing benefits under the retirement system pursuant to this chapter;

(3) Member contributions so picked up shall be credited to a separate account within the member's individual account so that the amounts contributed pursuant to this section may be distinguished from the amounts contributed on an after-tax basis;

(4) The contributions, although designated as employee contributions, shall be paid by the employer in lieu of the contributions by the member. The member shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system;

(5) Interest shall be credited annually on June thirtieth based on the value in the account as of July first of the immediately preceding year at a rate of four percent. Effective June 30, 2014, and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment rate that is published by the United States Department of Treasury, or its successor agency, for fifty-two week treasury bills for the relevant auction that is nearest to the preceding July first, or a successor treasury bill investment rate as approved by the board if the fifty-two week treasury bill is no longer issued. Interest credits shall cease upon termination of employment if the member is not a vested former member. Otherwise, interest credits shall cease upon retirement or death;

(6) A vested former member or a former member who is not vested may request a refund of his or her contributions and interest credited thereon. If such member is married at the time of such request, such request shall not be processed without consent from the spouse. Such member is not eligible to

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request a refund if such member's retirement benefit is subject to a division of benefit order pursuant to section 104.1051. Such refund shall be paid by the system [after] within an administratively reasonable period, but no sooner than ninety days from the date of termination of employment [or the request, whichever is later, and]. The amount refunded shall include all employee contributions made to any retirement plan administered by the system and interest credited thereon. A vested former member may not request a refund after such member becomes eligible for normal retirement. A vested former member or a former member who is not vested who receives a refund shall forfeit all the member's credited service and future rights to receive benefits from the system and shall not be eligible to receive any [long-term] disability benefits; provided that any member or vested former member receiving [long-term] disability benefits shall not be eligible for a refund. If such member subsequently becomes an employee and works continuously for at least one year, the credited service previously forfeited shall be restored if the member returns to the system the amount previously refunded plus interest at a rate established by the board;

(7) The beneficiary of any member who made contributions shall receive a refund upon the member's death equal to the amount, if any, of such contributions and interest credited thereon less any retirement benefits received by the member unless an annuity is payable to a survivor or beneficiary as a result of the member's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall receive a refund upon the survivor's or beneficiary's death equal to the amount, if any, of the member's contributions less any annuity amounts received by the member and the survivor or beneficiary.

9. The employee contribution rate, the benefits provided under the year 2000 plan to members covered under this section, and any other provision of the year 2000 plan with regard to members covered under this section may be altered, amended, increased, decreased, or repealed, but only with respect to services rendered by the member after the effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

10. For purposes of members covered by this section, the options under section 104.1027 shall be as follows:

Option 1.

A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty-eight and one half percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-seven years, an increase of three-tenths of one percent for each year the retiree's age is younger than age sixty-seven years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of three-tenths of one percent for each year of age difference; provided, after all adjustments the option 1 percent cannot exceed ninety-four and one quarter percent. Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 2.

A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty-one percent adjusted as follows: if the retiree's age on the annuity starting date is

younger than sixty-seven years, an increase of four-tenths of one percent for each year the retiree's age is younger than sixty-seven years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of five-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of five-tenths of one percent for each year of age difference; provided, after all adjustments the option 2 percent cannot exceed eighty-seven and three quarter percent. Upon the retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 3.

A retiree's life annuity shall be reduced to ninety-three percent of the annuity otherwise payable. If the retiree dies before having received one hundred twenty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred twenty-month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred twenty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

Option 4.

A retiree's life annuity shall be reduced to eighty-six percent of the annuity otherwise payable. If the retiree dies before having received one hundred eighty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred eighty-month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred eighty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

11. The provisions of subsection 6 of section 104.1024 shall not apply to members covered by this section.

12. Effective January 1, 2018, a member who is not a statewide elected official or a member of the general assembly shall be eligible for retirement under this subsection subject to the following conditions:

(1) A member's normal retirement eligibility shall be based on the attainment of at least age sixty-seven and the completion of at least five years of credited service; or the member's attainment of at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, such member's attainment of at least age sixty or the attainment of at least age fifty-five with five years of credited service;

(2) A vested former member's normal retirement eligibility shall be based on the attainment of at least age sixty-seven and the completion of at least five years of credited service; except that, a vested former member who terminates employment after the attainment of normal retirement eligibility as defined in subdivision (1) of this subsection shall be covered under such subdivision;

(3) A temporary annuity paid under subsection 4 of section 104.1024 shall be payable if the member has attained at least age fifty-five with the sum of the member's age and credited service equaling at least ninety; or in the case of a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, the temporary annuity shall be payable if the member has attained at least age sixty, or at least age fifty-five with five years of credited service;

(4) A member, other than a member who is serving as a uniformed member of the highway patrol and subject to the mandatory retirement provisions of section 104.081, shall be eligible for an early retirement annuity upon the attainment of at least age sixty-two and the completion of at least five years of credited service. A vested former member who terminated employment prior to the attainment of early retirement eligibility shall not be eligible for early retirement;

(5) The normal and early retirement eligibility requirements in this subsection shall apply for purposes of administering section 104.1087;

(6) The survivor annuity payable under section 104.1030 for vested former members who terminated employment prior to the attainment of early retirement eligibility and who are covered by this section shall not be payable until the deceased member would have reached his or her normal retirement eligibility under this subsection;

(7) The annual cost-of-living adjustment payable under section 104.1045 shall not commence until the second anniversary of [a vested former member's] the annuity starting date for vested former members who terminated employment prior to the attainment of early retirement eligibility and who are covered by this subsection;

(8) The unused sick leave credit granted under subsection 2 of section 104.1021 shall not apply to members covered by this subsection unless the member terminates employment after reaching normal retirement eligibility or becoming eligible for an early retirement annuity under this subsection; and

(9) The minimum credited service requirements of five years contained in sections 104.1018, 104.1030, 104.1036, and 104.1051 shall be five years for members covered by this subsection.

168.082. RETIREMENT BENEFITS, SPEECH-LANGUAGE PATHOLOGY ASSISTANT CONSIDERED SPEECH IMPLEMENTER, WHEN. — Any person who was employed as a speech implementer before August 1, 2022, that is employed in a position on or after August 28, 2023 as a speech-language pathology assistant, shall be considered a speech implementer for purposes of certification that the department of elementary and secondary education required such person to hold before August 1, 2022, and for purposes of consideration of Social Security coverage. Such person shall not be considered a speech implementer, as described in this section, when such person dies, retires, or no longer works in a speech-language pathology assistant position. The term "speech-language pathology assistant" as used in this section shall have the same meaning as such term is defined in section 345.015.

169.070. RETIREMENT ALLOWANCES, HOW COMPUTED, ELECTION ALLOWED, TIME PERIOD — OPTIONS — EFFECT OF FEDERAL O.A.S.I. COVERAGE — COST-OF-LIVING ADJUSTMENT AUTHORIZED — LIMITATION OF BENEFITS — EMPLOYMENT OF SPECIAL CONSULTANT, COMPENSATION, MINIMUM BENEFITS. — 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or

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more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) Two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) Two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) Two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) Two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) Two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;

(8) [Between July 1, 2001, and July 1, 2014,] Two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is [thirty-one] thirty-two years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2.

Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1; or

Option 3.

Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; or

Option 4.

Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; or

Option 5.

Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the total of the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; or

Option 6.

Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the total of the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more

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years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the estate of the member, in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

7. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the

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retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

12. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation

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provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

13. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

14. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 13 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

15. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

16. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

17. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

18. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4)

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of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

19. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 13 of this section.

20. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

21. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary, the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the retired member, in that order of precedence, shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

22. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

23. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

24. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

169.141. SUCCESSOR BENEFICIARY MAY BE NOMINATED BY PERSON RECEIVING REDUCED ALLOWANCE, WHEN, PROCEDURE — ALLOWANCE INCREASE, WHEN — SAME-SEX PARTNERS AS SUCCESSOR BENEFICIARIES, REQUIREMENTS. — 1. Any person receiving a retirement allowance under sections 169.010 to 169.140, and who elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her spouse as the nominated beneficiary, may nominate a successor beneficiary under either of the following circumstances:

- (1) If the nominated beneficiary precedes the retired person in death, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement;
- (2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement.

2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of this section must be made in accordance with procedures established by the board of trustees, and must be filed within ninety days of May 6, 1993, or within one year of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

3. Any person receiving a retirement allowance under sections 169.010 to 169.140 who elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her spouse as the nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

- (1) The marriage of the retired person and the nominated spouse is dissolved on or after September 1, 2017, and the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance; or

- (2) The marriage of the retired person and the nominated spouse was dissolved before September 1, 2017, and:

- (a) The dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, and the parties obtain an amended or modified dissolution decree after September 1, 2017, providing for the immediate removal of the nominated spouse, or the nominated spouse consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees; or

(b) The dissolution decree does not provide for sole retention by the retired person of all rights in the retirement allowance and the parties obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired person of all rights in the retirement allowance; and

(3) The person receives a retirement allowance under subsection 3 of section 169.070.

Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution and separation agreement, if applicable, that meets the requirements of this section.

4. Any person receiving a retirement allowance under sections 169.010 to 169.140, who, on or before September 1, 2015, elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her same-sex domestic partner as the nominated beneficiary, may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

(1) The retired person executes an affidavit attesting to the existence of a same-sex domestic partnership at the time of the nomination of the beneficiary and that the same-sex domestic partnership has since ended, with such supporting information and documentation as required by the board of trustees;

(2) The nominated beneficiary consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees, or the parties obtain a court order or judgment after September 1, 2023, which provides that the nominated beneficiary may be removed;

(3) If the retired person and the nominated beneficiary were legally married in a state that recognized same-sex marriage at the time of retirement or have since become legally married, the marriage must be dissolved and the dissolution decree must provide for sole retention by the retired person of all rights in the retirement allowance; and

(4) The person receives a retirement allowance under subsection 3 of section 169.070.

5. Any person receiving a retirement allowance under sections 169.010 to 169.140, who, on or before September 1, 2015, elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her same-sex domestic partner as the nominated beneficiary, may nominate a successor beneficiary under the following circumstances:

(1) If the nominated same-sex domestic partner precedes the retired person in death, and the retired person executes an affidavit attesting to the existence of the same-sex domestic partnership at the time of the nomination of the beneficiary, the retired person may, upon a later marriage, nominate his or her spouse under the same option elected in the application for retirement; or

(2) If the retired person executes an affidavit attesting to the existence of the same-sex domestic partnership at the time of the nomination of the beneficiary and that the same-sex domestic partnership has since ended, and the nominated same-sex domestic partner consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees or the parties obtain a court order or judgment after September 1, 2023, which provides that the nominated beneficiary may be removed, the retired person may, upon a later marriage, nominate his or her spouse under the same option elected in the application for retirement;

(3) In addition to the requirements of subsection (2) of this section, if the retired person and the nominated beneficiary were legally married in a state that recognized same-sex marriage at the time of retirement or have since become legally married, the marriage must be dissolved and the dissolution decree must provide for sole retention by the retired person of all rights in the retirement allowance.

6. Any nomination of successor beneficiary under subdivision (1) or (2) of subsection 5 of this section shall be made in accordance with procedures established by the board of trustees, and shall be filed within one year of September 1, 2023, or within one year of the marriage of the retired person and

successor beneficiary, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

7. For purposes of this section, the definition of "same-sex domestic partners" shall be individuals of the same sex who are at least eighteen years of age, who are not related to a degree that would prohibit their marriage in the law of the state where they reside, who are not married to or a domestic partner of another person, and who live together in a long-term relationship of indefinite duration with an exclusive mutual commitment in which the domestic partners agree to be jointly responsible for their common welfare and to share financial obligations. For purposes of this section, "same-sex domestic partners" shall also include individuals of the same sex who were legally married in a state that recognized same-sex marriage.

169.331. RETIRED TEACHERS MAY TEACH FULL TIME WITHOUT LOSS OF BENEFITS, WHEN — SCHOOL DISTRICT REQUIREMENTS. — 1. Notwithstanding any other provision of sections 169.270 to 169.400 to the contrary, a retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.270 to 169.400 may, without losing his or her retirement benefit, teach full time for up to [two] ~~four~~ years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school district. The total number of such retired certificated teachers shall not exceed, at any one time, [fifteen] ~~thirty~~ certificated teachers.

2. The employer's contribution rate shall be paid by the hiring school district and the employee's contribution rate shall be paid by the employee.

3. Any additional actuarial costs resulting from the hiring of a retired certificated teacher pursuant to the provisions of this section shall be paid by the hiring school district.

4. In order to hire teachers pursuant to the provisions of this section, the school district shall:

- (1) Show a good faith effort to fill positions with nonretired certificated teachers;
- (2) Post the vacancy for at least one month;
- (3) Have not offered early retirement incentives for either of the previous two years;
- (4) Solicit applications through the local newspaper, other media, or teacher education programs;
- (5) Determine there is an insufficient number of eligible applicants for the advertised position; and
- (6) Declare a critical shortage of certificated teachers that is active for one year.

5. Any person hired pursuant to this section shall be included in the State Director of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.

169.560. RETIREES MAY BE EMPLOYED, WHEN — SALARY AMOUNT, EFFECT ON BENEFITS, EXCEPTION. — 1. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity for an employer included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employer's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employer does not utilize a salary schedule, or if the position in question is not subject to the employer's salary schedule, a retiree employed in accordance with the provisions of this subsection may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position by

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the employer that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall contribute to the retirement system if the person satisfies the retirement system's membership eligibility requirements. In addition to the conditions set forth above, this subsection shall apply to any person retired and currently receiving a retirement allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third party or is performing work as an independent contractor, if such person is performing work for an employer included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district. The retirement system may require the employer, the third-party employer, the independent contractor, and the retiree subject to this subsection to provide documentation showing compliance with this subsection. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this subsection.

2. Notwithstanding any other provision of this section, any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141, other than for disability, may be employed by an employer included in the retirement system created by those sections in a position that does not normally require a person employed in that position to be duly certificated under the laws governing the certification of teachers in Missouri, and through such employment may earn, beginning on August 28, 2023, and ending on June 30, 2028, up to [sixty percent of the minimum teacher's salary as set forth in section 163.172] one hundred thirty-three percent of the annual earnings exemption amount applicable to a Social Security recipient before the calendar year of attainment of full retirement age under 20 CFR 404.430, and, after June 30, 2028, up to the annual earnings exemption amount applicable to a Social Security recipient before the calendar year of attainment of full retirement age under 20 CFR 404.430, without a discontinuance of the person's retirement allowance from the retirement system. The Social Security annual earnings exemption amount applied shall be the exemption amount in effect for the calendar year in which the school year begins. Such person shall not contribute to the retirement system or to the public education employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment, and such person shall not earn membership service for such employment. The employer's contribution rate shall be paid by the hiring employer into the public education employee retirement system established by sections 169.600 to 169.715. If such a person is employed in any capacity by an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall become a member of and contribute to any retirement system described in this subsection if the person satisfies the retirement system's membership eligibility requirements. The provisions of this subsection shall not apply to any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141 employed by a public community college or employer under subsection 4 of section 169.130.

169.596. RETIRED TEACHER MAY TEACH FULL TIME WITHOUT LOSS OF RETIREMENT BENEFITS, WHEN — SCHOOL DISTRICT REQUIREMENTS. — 1. Notwithstanding any other provision of this chapter to the contrary, a retired certificated teacher receiving a retirement benefit from

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the retirement system established pursuant to sections 169.010 to 169.141 may, without losing his or her retirement benefit, teach full time for up to [two] four years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school district, and provided that no such retired certificated teacher shall be employed as a superintendent. The total number of such retired certificated teachers shall not exceed, at any one time, the [lesser of ten percent of the total teacher] greater of one percent of the total certificated teachers and noncertificated staff for that school district, or five certificated teachers.

2. Notwithstanding any other provision of this chapter to the contrary, a person receiving a retirement benefit from the retirement system established pursuant to sections 169.600 to 169.715 may, without losing his or her retirement benefit, be employed full time for up to [two] four years for a school district covered by such retirement system; provided that the school district has a shortage of noncertificated employees, as determined by the school district. The total number of such retired noncertificated employees shall not exceed, at any one time, the lesser of ten percent of the total noncertificated staff for that school district, or five employees.

3. The employer's contribution rate shall be paid by the hiring school district.

4. In order to hire teachers and noncertificated employees pursuant to the provisions of this section, the school district shall:

(1) Show a good faith effort to fill positions with nonretired certificated teachers or nonretired noncertificated employees;

(2) Post the vacancy for at least one month;

(3) Have not offered early retirement incentives for either of the previous two years;

(4) Solicit applications through the local newspaper, other media, or teacher education programs;

(5) Determine there is an insufficient number of eligible applicants for the advertised position; and

(6) Declare a critical shortage of certificated teachers or noncertificated employees that is active for one year.

5. Any person hired pursuant to this section shall be included in the State Directory of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.

169.715. SUCCESSOR BENEFICIARY MAY BE NOMINATED BY PERSON RECEIVING REDUCED ALLOWANCE, WHEN, PROCEDURE — INCREASE PERMITTED, WHEN — SAME-SEX PARTNERS AS SUCCESSOR BENEFICIARIES, WHEN. — 1. Any person receiving a retirement allowance under sections 169.600 to 169.712, and who elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her spouse as the nominated beneficiary, may nominate a successor beneficiary under either of the following circumstances:

(1) If the nominated beneficiary precedes the retired person in death, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement;

(2) If the marriage of the retired person and the nominated beneficiary is dissolved, and if the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, the retired person may, upon remarriage, nominate the new spouse under the same option elected in the application for retirement.

2. Any nomination of a successor beneficiary under subdivision (1) or (2) of subsection 1 of this section must be made in accordance with procedures established by the board of trustees, and must be filed within ninety days of May 6, 1993, or within one year of the remarriage, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

3. Any person receiving a retirement allowance under sections 169.600 to 169.715 who elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her spouse as the

nominated beneficiary may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

(1) The marriage of the retired person and the nominated spouse is dissolved on or after September 1, 2017, and the dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance; or

(2) The marriage of the retired person and the nominated spouse was dissolved before September 1, 2017, and:

(a) The dissolution decree provides for sole retention by the retired person of all rights in the retirement allowance, and the parties obtain an amended or modified dissolution decree after September 1, 2017, providing for the immediate removal of the nominated spouse, or the nominated spouse consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees; or

(b) The dissolution decree does not provide for sole retention by the retired person of all rights in the retirement allowance and the parties obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired person of all rights in the retirement allowance; and

(3) The person receives a retirement allowance under subsection 4 of section 169.670.

Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution and separation agreement, if applicable, that meets the requirements of this section.

4. Any person receiving a retirement allowance under sections 169.600 to 169.712, who, on or before September 1, 2015, elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her same-sex domestic partner as the nominated beneficiary, may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

(1) The retired person executes an affidavit attesting to the existence of a same-sex domestic partnership at the time of the nomination of the beneficiary and that the same-sex domestic partnership has since ended, with such supporting information and documentation as required by the board of trustees;

(2) The nominated beneficiary consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees, or the parties obtain a court order or judgment after September 1, 2023, which provides that the nominated beneficiary may be removed;

(3) If the retired person and the nominated beneficiary were legally married in a state that recognized same-sex marriage at the time of retirement or have since become legally married, the marriage must be dissolved and the dissolution decree must provide for sole retention by the retired person of all rights in the retirement allowance; and

(4) The person receives a retirement allowance under subsection 4 of section 169.670.

5. Any person receiving a retirement allowance under sections 169.600 to 169.712, who, on or before September 1, 2015, elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her same-sex domestic partner as the nominated beneficiary, may nominate a successor beneficiary under the following circumstances:

(1) If the nominated same-sex domestic partner precedes the retired person in death, and the retired person executes an affidavit attesting to the existence of the same-sex domestic partnership at the time of the nomination of the beneficiary, the retired person may, upon a later marriage, nominate his or her spouse under the same option elected in the application for retirement; or

(2) If the retired person executes an affidavit attesting to the existence of the same-sex domestic partnership at the time of the nomination of the beneficiary and that the same-sex domestic partnership

has since ended, and the nominated same-sex domestic partner consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees or the parties obtain a court order or judgment after September 1, 2023, which provides that the nominated beneficiary may be removed, the retired person may, upon a later marriage, nominate his or her spouse under the same option elected in the application for retirement;

(3) In addition to the requirements of subdivision (2) of this subsection, if the retired person and the nominated beneficiary were legally married in a state that recognized same-sex marriage at the time of retirement or have since become legally married, the marriage must be dissolved and the dissolution decree must provide for sole retention by the retired person of all rights in the retirement allowance.

6. Any nomination of successor beneficiary under subdivision (1) or (2) of subsection 5 of this section shall be made in accordance with procedures established by the board of trustees, and shall be filed within one year of September 1, 2023, or within one year of the marriage of the retired person and successor beneficiary, whichever later occurs. Upon receipt of a successor nomination filed in accordance with those procedures, the board shall adjust the retirement allowance to reflect actuarial considerations of that nomination as well as previous beneficiary and successor beneficiary nominations.

7. For purposes of this section, the definition of "same-sex domestic partners" shall mean individuals of the same sex who are at least eighteen years of age, who are not related to a degree that would prohibit their marriage in the law of the state where they reside, who are not married to or a domestic partner of another person, and who live together in a long-term relationship of indefinite duration with an exclusive mutual commitment in which the domestic partners agree to be jointly responsible for their common welfare and to share financial obligations. For purposes of this section, "same-sex domestic partners" shall also include individuals of the same sex who were legally married in a state that recognized same-sex marriage.

173.1205. OWNERSHIP OR MEMBERSHIP INTEREST IN ENTITIES, NOT DEEMED GOVERNMENTAL OR QUASI-GOVERNMENTAL BODIES, WHEN. — 1. Notwithstanding any other provision of law, a for-profit or not-for-profit entity in which a public institution of higher education holds an ownership or membership interest shall not be deemed to be a public governmental body, quasi-public governmental body, or part of a public governmental body or quasi-public governmental body or otherwise subject to chapter 610, if such entity is engaged primarily in activities involving current or prospective commercialization of the skills or knowledge of the institution's faculty or of the institution's research, research capabilities, intellectual property, technology, or technological resources, provided that the public institution of higher education maintains as an open record an annual report, available no later than October first each year, identifying:

(1) The name and address of the entity, the amount of funds paid to such entity by the institution, any nonmonetary benefits received by the entity from the institution, and the purpose for which such funds were paid or benefits provided;

(2) The amount of funds received by the institution from such entity; and

(3) Any employees of the institution who received funds or other things of value from such entity and the purpose and amount of such funds or other things of value.

2. This provision shall not be construed to broaden the definition of public governmental body found in section 610.010, nor shall it otherwise be construed to mean, imply, or suggest that any entity constitutes a public governmental body unless such entity meets the definition of that term found in section 610.010.

3. Notwithstanding any other provision of law, meetings, records, and votes may be closed to the extent that they relate to records or information submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal or agreement to license intellectual property or perform sponsored research, in connection with opportunities for or

results of collaboration involving students, faculty, or staff, in connection with investments in or financial transactions with business entities for investment purposes, or in connection with activities by the public institution of higher education to promote or pursue economic development and which contain sales projections or other business plan, financial information, or trade secrets the disclosure of which may endanger the competitiveness of a business.

285.1000. DEFINITIONS. — For purposes of sections 285.1000 to 285.1055, the following terms shall mean:

(1) "Administrative fund" or "Show-Me MyRetirement Savings administrative fund", the Show-Me MyRetirement Savings administrative fund described in section 285.1045;

(2) "Association", any legal association of individuals, corporations, limited liability companies, partnerships, associations, or other entities that has been in continuous existence for at least one year;

(3) "Board", the Show-Me MyRetirement Savings board established under section 285.1005;

(4) "Eligible employee", an individual who is employed by a participating employer, who has wages or other compensation that is allocable to the state, and who is eighteen years of age or older. "Eligible employee" shall not include any of the following:

(a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. Section 151;

(b) Any employee on whose behalf an employer makes contributions to a multiemployer pension trust fund under 29 U.S.C. Section 186; or

(c) Any individual who is an employee of:

a. The federal government;

b. Any state government in the United States; or

c. Any county, municipal corporation, or political subdivision of any state in the United States;

(5) "Eligible employer", a person or entity engaged in a business, industry, profession, trade, or other enterprise in the state of Missouri, whether for profit or not for profit, provided that such a person or entity employs no more than fifty employees. A person or entity that qualifies as an eligible employer but that later employs more than fifty employees shall be permitted to remain an eligible employer for a period of five years, beginning on the date on which the person or entity first employs more than fifty employees. After such five-year period has ended, the person or entity shall immediately cease to qualify as an eligible employer and shall be prohibited from further participation in the plan unless the employer no longer has more than fifty employees. An employer includes an association and its members. For purposes of this subdivision, an eligible employer shall not include:

(a) The federal government;

(b) The state of Missouri;

(c) Any county, municipal corporation, or political subdivision of the state of Missouri; or

(d) Five years after the commencement of the program, an employer that maintains a specified tax-favored retirement plan, other than the Show-Me MyRetirement Savings plan, for its employees or that has effectively done so in form and operation at any time within the current or two preceding calendar years. If an employer does not maintain a specified tax-favored retirement plan, other than the Show-Me MyRetirement Savings plan, for a portion of a calendar year ending on or after the effective date of sections 285.1000 to 285.1055 and adopts such a plan effective for the remainder of that calendar year, the employer shall not be treated as an eligible employer for that remainder of the year;

(6) "ERISA", the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. Section 1001 et seq.;

(7) "Internal Revenue Code", the Internal Revenue Code of 1986, as amended;

(8) "Participant", an eligible employee or other individual who has a balance credited to his or her account under the plan;

(9) "Participating employer", an eligible employer that is participating in the plan provided for by sections 285.1000 to 285.1055;

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(10) "Plan" or "Show-Me MyRetirement Savings plan", the multiple-employer retirement savings plan established by sections 285.1000 to 285.1055, which shall be treated as a single plan under Title I of ERISA and is described in Sections 401(a), 401(k), and 413(c) of the Internal Revenue Code of 1986, as amended, in which multiple employers may choose to participate regardless of whether any relationship exists between and among the employers other than their participation in the plan. Based on the context, the term "plan" may also refer to multiple plans if multiple plans are established under sections 285.1000 to 285.1055;

(11) "Self-employed individual", an individual who is eighteen years of age or older, is self-employed, and has self-employment income or other compensation from self-employment that is allocable to the state of Missouri;

(12) "Specified tax-favored retirement plan", a retirement plan that is tax-qualified under, or is described in and satisfies the requirements of, Section 401(a), 401(k), 403(a), 403(b), 408(k)(Simplified Employee Pension), or 408(p)(SIMPLE-IRA) of the Internal Revenue Code of 1986, as amended;

(13) "Total fees and expenses", all fees, costs, and expenses including, but not limited to, administrative expenses, investment expenses, investment advice expenses, accounting costs, actuarial costs, legal costs, marketing expenses, education expenses, trading costs, insurance annuitization costs, and other miscellaneous costs;

(14) "Trust", the trust in which the assets of the plan are held.

285.1005. BOARD ESTABLISHED, MEMBERS, TERMS, EXPENSES, QUORUM. — 1. The "Show-Me MyRetirement Savings Board" is hereby established in the office of the state treasurer.

2. The board shall consist of the following members, with the state treasurer, or his or her designee, serving as chair:

(1) The state treasurer, or his or her designee;

(2) An individual who has skill, knowledge, and experience in the field of retirement savings and investments, to be appointed by the governor with the advice and consent of the senate;

(3) An individual who has skill, knowledge, and experience relating to small business, to be appointed by the governor with the advice and consent of the senate;

(4) Three members of the house of representatives, to be appointed by the speaker of the house of representatives, to include one representative from the minority party; and

(5) Three members of the senate, to be appointed by the president pro tempore of the senate, to include one senator from the minority party.

3. The governor, the president pro tempore of the senate, and the speaker of the house of representatives shall make the respective initial appointments to the board for terms of office beginning on January 1, 2024.

4. Members of the board appointed by the governor, the president pro tempore of the senate, and the speaker of the house of representatives shall serve at the pleasure of the appointing authority.

5. The term of office of each member of the board shall be four years. Any member is eligible to be reappointed. If there is a vacancy for any reason, the appropriate appointing authority shall make an appointment, to become immediately effective, for the unexpired term.

6. All members of the board shall serve without compensation and shall be reimbursed from the administrative fund for necessary travel expenses incurred in carrying out the duties of the board.

7. A majority of the voting members of the board shall constitute a quorum for the transaction of business.

285.1010. DUTIES OF BOARD. — 1. The board, subject to the authority granted under sections 285.1000 to 285.1055, shall design, develop, and implement the plan and, to that end, may conduct market, legal, and feasibility analyses.

2. The members of the board shall be fiduciaries of the plan under ERISA, and the board shall have the following powers, authorities, and duties:

(1) To establish, implement, and maintain the plan, in each case acting on behalf of the state of Missouri, including, in its discretion, more than one plan;

(2) To cause the plan, trust, and arrangements and accounts established under the plan to be designed, established, and operated:

(a) In accordance with best practices for retirement savings vehicles;

(b) To encourage participation, saving, sound investment practices, and appropriate selection of default investments;

(c) To maximize simplicity and ease of administration for eligible employers;

(d) To minimize costs, including by collective investment and economies of scale; and

(e) To promote portability of benefits;

(3) To arrange for collective, common, and pooled investment of assets of the plan and trust, including investments in conjunction with other funds with which assets are permitted to be collectively invested, to save costs through efficiencies and economies of scale;

(4) To develop and disseminate educational information designed to educate participants and citizens about the benefits of planning and saving for retirement and to help participants and citizens decide the level of participation and savings strategies that may be appropriate, including information in furtherance of financial capability and financial literacy;

(5) To adopt rules and regulations necessary or advisable for the implementation of sections 285.1000 to 285.1055 and the administration and operation of the plan consistent with the Internal Revenue Code and regulations thereunder, including to ensure that the plan satisfies all criteria for favorable federal tax-qualified treatment, and complies, to the extent necessary, with ERISA and any other applicable federal or Missouri law. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void;

(6) To arrange for and facilitate compliance with the plan or arrangements established thereunder with all applicable requirements for the plan under the Internal Revenue Code, ERISA, and any other applicable federal or Missouri law and accounting requirements, and to provide or arrange for assistance to eligible employers, eligible employees, and self-employed individuals in complying with applicable law and tax-related requirements in a cost-effective manner. The board may establish any processes deemed reasonably necessary or advisable to verify whether a person or entity is an eligible employer, including reference to online data and possible use of questions in employer tax filings;

(7) To employ or retain a plan administrator; executive director; staff; trustee; record-keeper; investment managers; investment advisors; and other administrative, professional, and expert advisors and service providers, none of whom shall be members of the board and all of whom shall serve at the pleasure of the board, which shall determine their duties and compensation. The board may authorize the executive director and other officials to oversee requests for proposals or other public competitions and enter into contracts on behalf of the board or conduct any business necessary for the efficient operation of the plan or the board;

(8) To establish procedures for the timely and fair resolution of participant and other disputes related to accounts or program operation and, if necessary, determine the eligibility of an employer, employee, or other individual to participate in the plan;

(9) To develop and implement an investment policy that defines the plan's investment objectives, consistent with the objectives of the plan, and that provides for policies and procedures consistent with those investment objectives;

(10) (a) To designate appropriate default investments that include a mix of asset classes, such as target date and balanced funds;

(b) To seek to minimize participant fees and expenses of investment and administration;

(c) To strive to design and implement investment options available to holders of accounts established as part of the plan and other plan features that are intended to achieve maximum possible income replacement balanced with an appropriate level of risk, consistent with the investment objectives under the investment policy. The investment options may encompass a range of risk and return opportunities and allow for a rate of return commensurate with an appropriate level of risk in view of the investment objectives under the policy. The menu of investment options shall be determined taking into account the nature and objectives of the plan, the desirability of limiting investment choices under the plan to a reasonable number, based on behavioral research findings, and the extensive investment choices available to participants in the event that funds roll over to an individual retirement account (IRA) outside the program; and

(d) In accordance with subdivision (7) of this subsection, the board, to the extent it deems necessary or advisable, in carrying out its responsibilities and exercising its powers under sections 285.1000 to 285.1055, shall employ or retain appropriate entities or personnel to assist or advise it or to whom to delegate the carrying out of such responsibilities and exercising of such powers;

(11) To discharge its duties and see that the members of the board discharge their duties with respect to the plan solely in the interests of the participants as follows:

(a) For the exclusive purpose of providing benefits to participants and defraying reasonable expenses of administering the plan; and

(b) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of a like character and with like aims;

(12) To cause expenses incurred to initiate, implement, maintain, and administer the plan to be paid from contributions to, or investment returns or assets of the plan or other moneys collected by or for the plan or pursuant to arrangements established under the plan to the extent permitted under federal and Missouri law;

(13) To collect application, account, or administrative fees and to accept any grants, gifts, legislative appropriations, loans, and other moneys from the state of Missouri; any unit of federal, state, or local government; or any other person, firm, or entity to defray the costs of administering and operating the plan;

(14) To make and enter into competitively procured contracts, agreements, or arrangements with; to collaborate and cooperate with; and to retain, employ, and contract with or for any of the following to the extent necessary or desirable for the effective and efficient design, implementation, and administration of the plan consistent with the purposes set forth in sections 285.1000 to 285.1055 and to maximize outreach to eligible employers and eligible employees:

(a) Services of private and public financial institutions, depositories, consultants, actuaries, counsel, auditors, investment advisors, investment administrators, investment management firms, other investment firms, third-party administrators, other professionals and service providers, and state public retirement systems;

(b) Research, technical, financial, administrative, and other services; and

(c) Services of other state agencies to assist the board in the exercise of its powers and duties;

(15) To develop and implement an outreach plan to gain input and disseminate information regarding the plan and retirement savings in general;

(16) To cause moneys to be held and invested and reinvested under the plan;

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- (17) To ensure that all contributions under the plan shall be used only to:
 - (a) Pay benefits to participants under the plan;
 - (b) Pay the costs of administering the plan; and
 - (c) Make investments for the benefit of the plan, and ensure that no assets of the plan or trust are transferred to the general revenue fund or to any other fund of the state or are otherwise encumbered or used for any purpose other than those specified in this paragraph or section 285.1045;
- (18) To make provisions for the payment of costs of administration and operation of the program and trust;
- (19) To evaluate the need for and procure as needed insurance against any and all loss in connection with the property, assets, or activities of the program, including fiduciary liability coverage;
- (20) To evaluate the need for and procure as needed pooled private insurance;
- (21) To indemnify, including procurement of insurance as needed for this purpose, each member of the board from personal loss or liability resulting from a member's action or inaction as a member of the board and as a fiduciary;
- (22) To collaborate with and evaluate the role of financial advisors or other financial professionals, including in assisting and providing guidance for covered employees; and
- (23) To carry out the powers and duties of the program under sections 285.1000 to 285.1055 and exercise any and all other powers as are appropriate to effect the purposes, objectives, and provisions of such sections pertaining to the program.
- 3. A board member, program administrator, or other staff of the board shall not:
 - (1) Directly or indirectly, have any interest in the making of any investment under the program or in any gains or profits accruing from any such investment;
 - (2) Borrow any program-related funds or deposits, or use any such funds or deposits in any manner, for himself or herself or as an agent or partner of others; or
 - (3) Become an endorser, surety, or obligor on investments made under the program.
- 4. Each board member shall be subject to the provisions of sections 105.452 and 105.454.

285.1015. SHOW-ME MYRETIREMENT SAVINGS PLAN, REQUIREMENTS. — 1. The board shall, consistent with federal law and regulation, adopt and implement the plan, which shall remain in compliance with federal law and regulations once implemented and shall be called the "Show-Me MyRetirement Savings Plan".

2. In accordance with terms and conditions specified and regulations promulgated by the board, the plan shall:
- (1) Be set forth in documents prescribing the terms and conditions of the plan;
 - (2) Be available on a voluntary basis to eligible employers and self-employed individuals;
 - (3) Be available to eligible members of an association who may elect to participate in the plan if the association or its members do not maintain a plan or a specified tax-favored retirement plan, other than the Show-Me MyRetirement Savings plan;
 - (4) Enroll self-employed individuals who wish to participate;
 - (5) Provide participants the option to terminate their participation at any time;
 - (6) Allow voluntary pre-tax or designated Roth 401(k) contributions;
 - (7) Allow voluntary employer contributions;
 - (8) Be overseen by the board and its designees;
 - (9) Be administered and managed by one or more trustees, other fiduciaries, custodians, third-party administrators, investment managers, record-keepers, or other service providers;
 - (10) Provide on a uniform basis, if and when the board so determines, in its discretion, for an increase of each participant's contribution rate, by a minimum increment of one percent of salary or wages per year, for each additional year the participant is employed or is participating in the plan up to the maximum percentage of such participant's salary or wages that may be contributed to the plan under

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federal law. Any such increases shall apply to participants, as determined by the board, by default or only if initiated by affirmative participant election;

(11) Provide for direct deposit of contributions into investments under the plan. To the extent consistent with ERISA, the investment alternatives under the plan shall be limited to an automatic investment for participants who do not actively and affirmatively elect a particular investment option, which unless the board provides otherwise, shall be a diversified target date fund, including a series of such diversified funds to apply to different participants depending on their choice or their target retirement dates, a principal-protected option, and at least four additional investment alternatives as may be selected by the board in its discretion. To the extent consistent with ERISA, the investment options may, at the discretion of the board, include a principal-protection fund as a temporary "security corridor" option that applies as the sole initial investment before participants may choose other investments or as the initial default investment for a specified period of time or up to a specified dollar amount of contributions or account balance;

(12) Be professionally managed;

(13) Provide for reports on the status of each participant's account to be provided to each participant at least quarterly and make best efforts to provide participants frequent or continual online access to information on the status of their accounts;

(14) When possible and practicable, use existing employer and public infrastructure to facilitate contributions, record keeping, and outreach and use pooled or collective investment arrangements;

(15) Provide that each account holder owns the contributions to or earnings on amounts contributed to his or her account under the plan and that the state and employers have no proprietary interest in those contributions or earnings;

(16) Be designed and implemented in a manner consistent with federal law to the extent that it applies;

(17) Make provisions for the participation in the plan of individuals who are not employees, if allowed under federal law;

(18) Establish rules and procedures governing the distribution of funds from the plan, including such distributions as may be permitted or required by the plan and any applicable provisions of ERISA, the tax-qualification rules, and the other tax laws, with the objectives of maximizing financial security in retirement, protecting spousal rights, and assisting participants to effectively manage the decumulation of their savings and to receive payment of their benefits under the plan. The board shall have the authority, in its discretion, to provide for one or more reasonably priced distribution options to provide a source of fixed regular retirement income, including income for life or for the participant's life expectancy, or for joint lives and life expectancies, as applicable;

(19) Establish rules and procedures promoting portability of benefits, including the ability to make roll-overs or transfers to and from the plan that are exempt from federal income tax, provided that any roll-over is initiated by participants; and

(20) Encourage choices by employers in the state to adopt a specified tax-favored retirement plan, including the plan.

285.1020. RULES, BOARD TO ADOPT. — The board shall adopt rules to implement the plan that:

(1) Establish the processes for enrollment and contributions under the plan, including withholding by participating employers of employee payroll deduction contributions from wages and remittance for deposit to the plan; voluntary contributions by others, including self-employed individuals and independent contractors, through payroll deduction or otherwise; the making of default contributions using default investments; and participant selection of alternative contribution rates or amounts and alternative investments from among the options offered under the plan;

(2) Conduct outreach to individuals, employers, other stakeholders, and the public regarding the plan. The rules shall specify the contents, frequency, timing, and means of required disclosures from

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Matter underscored is proposed language.

the plan to eligible employees, participants, and self-employed individuals, eligible employers, participating employers, and other interested parties. These disclosures shall include, but not be limited to:

- (a) The benefits associated with tax-favored retirement saving;
- (b) The potential advantages and disadvantages associated with participating in the plan;
- (c) Instructions for enrolling and making contributions;
- (d) The potential availability of a saver's tax credit, including the eligibility conditions for the credit and instructions on how to claim it;
- (e) A disclaimer that employees seeking tax, investment, or other financial advice should contact appropriate professional advisors, and that participating employers are not in a position to provide such advice and are not liable for decisions individuals make in relation to the plan;
- (f) The potential implications of account balances under the plan for the application of asset limits under certain public assistance programs;
- (g) A disclaimer that the account owner is solely responsible for investment performance, including market gains and losses, and that plan accounts and rates of return are not guaranteed by any employer, the state, the board, any board member or state official, or the plan;
- (h) Any additional information about retirement and saving and other information designed to promote financial literacy and capability, which may take the form of links to, or explanations of how to obtain, such information; and
- (i) Instructions on how to obtain additional information about the plan; and
- (3) Ensure that the assets of the trust and plan shall at all times be preserved, invested, and expended only for the purposes set forth in sections 285.1000 to 285.1055, and that no property rights therein shall exist in favor of the state, except as provided under section 285.1045.

285.1025. EMPLOYER IMMUNITY FROM LIABILITY, WHEN. — An eligible employer, a participating employer, or other employer is not and shall not be liable for or bear responsibility for:

- (1) An employee's decision as to which investments to choose;
- (2) Participants' or the board's investment decisions;
- (3) The administration, investment, investment returns, or investment performance of the plan including, but not limited to, any interest rate or other rate of return on any contribution or account balance, provided that the eligible employer, participating employer, or other employer is not involved in the administration or investment of the plan;
- (4) The plan design or the benefits paid to participants; or
- (5) Any loss, failure to realize any gain, or any other adverse consequences including, but not limited to, any adverse tax consequences or loss of favorable tax treatment, public assistance, or other benefits, incurred by any person solely and directly as a result of participating in the plan.

285.1030. NO GUARANTEED INTEREST RATE OR RATE OF RETURN — NO LIABILITY FOR LOSSES — PLAN DEBTS AND OBLIGATIONS, NOT STATE DEBTS AND OBLIGATIONS. — 1. The state of Missouri; the board; each member of the board; any other state official, state board, commission, and agency; any member, officer, and employee thereof; and the plan:

- (1) Shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and
- (2) Shall not be liable or responsible for any loss, deficiency, failure to realize any gain, or any other adverse consequences including, but not limited to, any adverse tax consequences or loss of favorable tax treatment, public assistance, or other benefits, incurred by any person as a result of participating in the plan.

2. The debts, contracts, and obligations of the plan or the board are not the debts, contracts, and obligations of the state, and neither the faith and credit nor the taxing power of the state is pledged directly or indirectly to the payment of the debts, contracts, and obligations of the plan or the board.

3. Nothing in sections 285.1000 to 285.1055 shall be construed to guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance.

285.1035. CONFIDENTIALITY OF INFORMATION. — 1. Individual account information relating to accounts under the plan and relating to individual participants including, but not limited to, names, addresses, telephone numbers, email addresses, personal identification information, investments, contributions, and earnings shall be confidential and shall be maintained as confidential, provided that such information may be disclosed:

(1) To the extent necessary to administer the plan in a manner consistent with sections 285.1000 to 285.1055, ERISA, the Internal Revenue Code, or any other federal or Missouri law; or

(2) If the individual who provides the information or who is the subject of the information expressly agrees in writing to the disclosure of the information.

2. Information required to be confidential under subsection 1 of this section shall be considered a "closed record" as that term is defined in section 610.010, regardless as to whether such information has been disclosed as allowed by subsection 1 of this section.

285.1040. INTERGOVERNMENTAL AGREEMENT AND MEMORANDUM OF UNDERSTANDING, WHEN. — The board may enter into an intergovernmental agreement or memorandum of understanding with the state of Missouri, another state or states, and any agency thereof to receive outreach, technical assistance, enforcement and compliance services, collection or dissemination of information pertinent to the plan, subject to such obligations of confidentiality as may be agreed or required by law, or other services or assistance. The state of Missouri, another state or states, and any agency thereof that enters into such agreements or memoranda of understanding shall collaborate to provide the outreach, assistance, information, and compliance or other services or assistance to the board. The memoranda of understanding may cover the sharing of costs incurred in gathering and disseminating information and the reimbursement of costs for any enforcement activities or assistance.

285.1045. SHOW-ME MY RETIREMENT SAVINGS ADMINISTRATIVE FUND, USE OF MONEYS — ADMINISTRATIVE COSTS, HOW PAID — COMPETITIVE BIDDING. — 1. There is hereby created in the state treasury the "Show-Me My Retirement Savings Administrative Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Subject to appropriation, moneys in the fund shall be distributed by the state treasurer solely for the administration of sections 285.1000 to 285.1055.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The Show-Me My Retirement Savings administrative fund shall consist of:

(1) Moneys appropriated to the administrative fund by the general assembly;

(2) Moneys transferred to the administrative fund from the federal government, other state agencies, or local governments;

(3) Moneys from the payment of application, account, administrative, or other fees and the payment of other moneys due to the board;

(4) Any gifts, donations, or grants made to the state of Missouri for deposit in the administrative fund;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(5) Moneys collected for the administrative fund from contributions to, or investment returns or assets of, the plan or other moneys collected by or for the plan or pursuant to arrangements established under the plan to the extent permitted under federal and Missouri law; and

(6) Earnings on moneys in the administrative fund.

5. To the extent consistent with ERISA, the tax qualification rules, and other federal law, the board shall accept any grants, gifts, appropriations, or other moneys from the state; any unit of federal, state, or local government; or any other person, firm, partnership, corporation, or other entity solely for deposit into the administrative fund, whether for investment or administrative expenses.

6. To enable or facilitate the start-up and continuing operation, maintenance, administration, and management of the program until the plan accumulates sufficient balances and can generate sufficient funding through fees assessed on program accounts for the plan to become financially self-sustaining:

(1) The board may borrow from the state of Missouri; any unit of federal, state, or local government; or any other person, firm, partnership, corporation, or other entity working capital funds and other funds as may be necessary for this purpose, provided that such funds are borrowed in the name of the plan and board only and that any such borrowings shall be payable solely from the revenues of the plan; and

(2) The board may enter into long-term procurement contracts with one or more financial providers that provide a fee structure that would assist the plan in avoiding or minimizing the need to borrow or to rely upon general assets of the state.

7. Subject to appropriation, the state of Missouri may pay administrative costs associated with the creation, maintenance, operation, and management of the plan and trust until sufficient assets are available in the administrative fund for that purpose. Thereafter, all administrative costs of the administrative fund, including any repayment of start-up funds provided by the state of Missouri, shall be repaid only out of moneys on deposit therein. However, private funds or federal funding received in order to implement the program until the administrative fund is self-sustaining shall not be repaid unless those funds were offered contingent upon the promise of such repayment.

8. The board may use the moneys in the administrative fund solely to pay the administrative costs and expenses of the plan and the administrative costs and expenses the board incurs in the performance of its duties under sections 285.1000 to 285.1055.

9. The state treasurer's office shall follow the competitive bids procedure adopted by the office of administration for the following:

(1) The contracting or hiring of a contractor with the relevant skills, knowledge, and expertise determined by the board for managing the program, every five years; and

(2) At the state treasurer's discretion, the contracting or hiring of a contractor who has qualified staff with the relevant skills, knowledge, and expertise as determined by the state treasurer's office when the number of the participants in the plan reaches fifty thousand participants.

The office of administration is authorized to provide the state treasurer's office with the necessary assistance and services as may be needed.

285.1050. RECORDKEEPING — AUDITS — REPORT, CONTENTS. — 1. The board shall keep an accurate account of all the activities, operations, receipts, and expenditures of the plan, the trust, and the board. Each year, a full audit of the books and accounts of the board pertaining to those activities, operations, receipts and expenditures, personnel, services, or facilities shall be conducted by a certified public accountant and shall include, but not be limited to, direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees for the administration of the plan. For the purposes of the audit, the auditors shall have access to the properties and records of the plan and board and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the plan.

2. By August first of each year, the board shall submit to the governor, the state treasurer, the president pro tempore of the senate, and the speaker of the house of representatives a public report on the operation of the plan and trust and activities of the board, including an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations, receipts, and expenditures of the plan and board during the preceding calendar year. The report shall also include a summary of the benefits provided by the plan, the number of participants, average account balance, the number of participating employers, the contribution formulas and amounts of contributions made by participants and by each participating employer, the withdrawals, the account balances, total assets under management, investments, investment returns, fees and expenses associated with the investments and with the administration of the plan, projected activities of the plan for the current calendar year, and any other information regarding the plan and its operations that the board may determine to provide.

285.1055. PLAN CONTRIBUTION START DATE — PHASE IN PERMITTED. — 1. The board shall establish the plan so that individuals are able to begin contributing under the plan on or before September 1, 2025.

2. The board may, in its discretion, phase in the plan so that the ability to contribute first applies on different dates for different classes of individuals, including employees of employers of different sizes or types and individuals who are not employees; provided that, any such staged or phased-in implementation schedule shall be substantially completed on or before September 1, 2025.

476.521. NEW JUDGES, BENEFITS, ELIGIBILITY REQUIREMENTS — CONTRIBUTION AMOUNT — EMPLOYMENT AFTER RETIREMENT, EFFECT OF. — 1. Notwithstanding any provision of chapter 476 to the contrary, each person who first becomes a judge on or after January 1, 2011, and continues to be a judge may receive benefits as provided in sections 476.445 to 476.688 subject to the provisions of this section.

2. Any person who is at least sixty-seven years of age, has served in this state an aggregate of at least twelve years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twelve-year requirement of this subsection may be fulfilled by service as judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twelve years. Any judge who is at least sixty-seven years of age and who has served less than twelve years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-seven, or thereafter, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twelve years.

3. Any person who is at least sixty-two years of age or older, has served in this state an aggregate of at least twenty years, continuously or otherwise, as a judge, and ceases to hold office by reason of the expiration of the judge's term, voluntary resignation, or retirement pursuant to the provisions of Subsection 2 of Section 24 of Article V of the Constitution of Missouri may receive benefits as provided in sections 476.515 to 476.565. The twenty-year requirement of this subsection may be fulfilled by service as a judge in any of the courts covered, or by service in any combination as judge of such courts, totaling an aggregate of twenty years. Any judge who is at least sixty-two years of age and who has served less than twenty years and is otherwise qualified under sections 476.515 to 476.565 may retire after reaching age sixty-two, at a reduced retirement compensation in a sum equal to the proportion of the retirement compensation provided in section 476.530 that his or her period of judicial service bears to twenty years.

4. All judges under this section required by the provisions of Section 26 of Article V of the Constitution of Missouri to retire at the age of seventy years shall retire upon reaching that age.

5. The provisions of sections 104.344, 476.524, and 476.690 shall not apply to judges covered by this section.

6. A judge shall be required to contribute four percent of the judge's compensation to the retirement system, which shall stand to the judge's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable as provided in sections 476.515 to 476.565, subject to the following provisions:

(1) The state of Missouri employer, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay the contributions that would otherwise be payable by the judge under this section. The contributions so picked up shall be treated as employer contributions for purposes of determining the judge's compensation that is includable in the judge's gross income for federal income tax purposes;

(2) Judge contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a judge. A deduction shall be made from each judge's compensation equal to the amount of the judge's contributions picked up by the employer. This deduction, however, shall not reduce the judge's compensation for purposes of computing benefits under the retirement system pursuant to this chapter;

(3) Judge contributions so picked up shall be credited to a separate account within the judge's individual account so that the amounts contributed pursuant to this section may be distinguished from the amounts contributed on an after-tax basis;

(4) The contributions, although designated as employee contributions, are being paid by the employer in lieu of the contributions by the judge. The judge shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the retirement system;

(5) Interest shall be credited annually on June thirtieth based on the value in the account as of July first of the immediately preceding year at a rate of four percent. Effective June 30, 2024, and each June thirtieth thereafter, the interest crediting rate shall be equal to the investment rate that is published by the United States Department of Treasury, or its successor agency, for fifty-two-week treasury bills for the relevant auction that is nearest to the preceding July first, or a successor treasury bill investment rate as approved by the board if the fifty-two-week treasury bill is no longer issued. Interest credits shall cease upon retirement or death of the judge;

(6) A judge whose employment is terminated may request a refund of his or her contributions and interest credited thereon. If such judge is married at the time of such request, such request shall not be processed without consent from the spouse. A judge is not eligible to request a refund if the judge's retirement benefit is subject to a division of benefit order pursuant to section 104.312. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later and shall include all contributions made to any retirement plan administered by the system and interest credited thereon. A judge may not request a refund after such judge becomes eligible for retirement benefits under sections 476.515 to 476.565. A judge who receives a refund shall forfeit all the judge's service and future rights to receive benefits from the system and shall not be eligible to receive any long-term disability benefits; provided that any judge or former judge receiving long-term disability benefits shall not be eligible for a refund. If such judge subsequently becomes a judge and works continuously for at least one year, the service previously forfeited shall be restored if the judge returns to the system the amount previously refunded plus interest at a rate established by the board;

(7) The beneficiary of any judge who made contributions shall receive a refund upon the judge's death equal to the amount, if any, of such contributions and interest credited thereon, less any retirement benefits received by the judge unless an annuity is payable to a survivor or beneficiary as a result of the judge's death. In that event, the beneficiary of the survivor or beneficiary who received the annuity shall

receive a refund upon the survivor's or beneficiary's death equal to the amount, if any, of the judge's contributions less any annuity amounts received by the judge and the survivor or beneficiary.

7. The employee contribution rate, the benefits provided under sections 476.515 to 476.565 to judges covered under this section, and any other provision of sections 476.515 to 476.565 with regard to judges covered under this section may be altered, amended, increased, decreased, or repealed, but only with respect to services rendered by the judge after the effective date of such alteration, amendment, increase, decrease, or repeal, or, with respect to interest credits, for periods of time after the effective date of such alteration, amendment, increase, decrease, or repeal.

8. Any judge who is receiving retirement compensation under section 476.529 or 476.530 who becomes employed as an employee eligible to participate in the closed plan or in the year 2000 plan under chapter 104, shall not receive such retirement compensation for any calendar month in which the retired judge is so employed. Any judge who is receiving retirement compensation under section 476.529 or section 476.530 who subsequently serves as a judge as defined pursuant to subdivision (4) of subsection 1 of section 476.515 shall not receive such retirement compensation for any calendar month in which the retired judge is serving as a judge; except that upon retirement such judge's annuity shall be recalculated to include any additional service or salary accrued based on the judge's subsequent service. A judge who is receiving compensation under section 476.529 or 476.530 may continue to receive such retirement compensation while serving as a senior judge or senior commissioner and shall receive additional credit and salary for such service pursuant to section 476.682.

[104.130. DEATH BENEFIT OF RETIRED MEMBER. — Upon the death of a retired member, the board shall pay to such member's designated beneficiaries or to his estate a death benefit equal to the excess, if any, of the accumulated contributions of the member at retirement over the total amount of retirement benefits received by such member prior to his death.]

Approved July 6, 2023

SS SCS SB 94, 52, 57, 58, & 67

Enacts provisions relating to tax credits for the production of certain entertainment, with an effective date for a certain section.

AN ACT to repeal section 135.750, RSMo, and to enact in lieu thereof two new sections relating to tax credits for the production of certain entertainment, with an effective date for a certain section.

SECTION

A Enacting clause.

135.750 Tax credit for qualified motion media production projects (Show MO Act) — definitions — application — cap — transfer of credits — rulemaking — sunset provision — contingent termination date.

135.753 Entertainment industry jobs act, tax credit — definitions — amount — transfer of credits — conditions and limitations — cap — rulemaking — sunset provision — contingent termination date.

B Effective date for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

SECTION A. ENACTING CLAUSE. — Section 135.750, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 135.750 and 135.753, to read as follows:

135.750. TAX CREDIT FOR QUALIFIED MOTION MEDIA PRODUCTION PROJECTS (SHOW MO ACT)—DEFINITIONS—APPLICATION—CAP—TRANSFER OF CREDITS—RULEMAKING—SUNSET PROVISION—CONTINGENT TERMINATION DATE. — 1. This section shall be known and may be referred to as the "Show MO Act".

2. As used in this section, the following terms mean:

(1) "Highly compensated individual", any individual who receives compensation in excess of one million dollars in connection with a single qualified film production project] "Above-the-line individual", any individual hired or credited on screen for a qualified motion media production project as any type of producer, principal cast that is at a screen actors guild schedule f and above payment rate, screenwriter, and the director;

(2) "Qualified [film] motion media production project", any film[, video, commercial, or television production] or series production, including videos, commercials, video games, webisodes, music videos, content-based mobile applications, virtual reality, augmented reality, multi-media, and new media, as well as standalone visual effects and post-production for such motion media production project, as approved by the department of economic development and the office of the Missouri film commission, that features a statement and logo designated by the department of economic development in the credits of the completed production indicating that the project was filmed in Missouri and that is under thirty minutes in length with [an] expected [in-state expenditure budget] qualifying expenses in excess of fifty thousand dollars[,] or [that] is over thirty minutes in length with [an] expected [in-state expenditure budget] qualifying expenses in excess of one hundred thousand dollars. Regardless of the production costs, "qualified [film production] motion media project" shall not include any:

- (a) News or current events programming;
- (b) Talk show;
- (c) Production produced primarily for industrial, corporate, or institutional purposes, and for internal use;
- (d) Sports event or sports program;
- (e) Gala presentation or awards show;
- (f) Infomercial or any production that directly solicits funds;
- (g) Political ad;
- (h) Production that is considered obscene, as defined in section 573.010;

(3) "Qualifying expenses", the sum of the total amount spent in this state for the following by a production company in connection with a qualified [film] motion media production project:

(a) Goods and services leased or purchased by the production company. For goods with a purchase price of twenty-five thousand dollars or more, the amount included in qualifying expenses shall be the purchase price less the fair market value of the goods at the time the production is completed;

(b) Compensation and wages paid by the production company on which the production company remitted withholding payments to the department of revenue under chapter 143. For purposes of this section, compensation and wages [shall not include any amounts paid to a highly compensated individual] paid to all above-the-line individuals shall be limited to twenty-five percent of the overall qualifying expenses;

(4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 148;

(5) "Taxpayer", any individual, partnership, or corporation as described in section 143.441, 143.471, or section 148.370 that is subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 148 or any charitable

organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

[2. For all taxable years beginning on or after January 1, 1999, but ending on or before December 31, 2007, a taxpayer shall be granted a tax credit for up to fifty percent of the amount of investment in production or production-related activities in any film production project with an expected in-state expenditure budget in excess of three hundred thousand dollars. For all taxable years beginning on or after January 1, 2008, a taxpayer shall be allowed a tax credit for up to thirty-five percent of the amount of qualifying expenses in a qualified film production project. Each film production company shall be limited to one qualified film production project per year.]

3. (1) For all tax years beginning on or after January 1, 2023, a taxpayer shall be allowed a tax credit equal to twenty percent of qualifying expenses.

(2) An additional five percent may be earned for qualifying expenses if at least fifty percent of the qualified motion media production project is filmed in Missouri.

(3) An additional five percent may be earned for qualifying expenses if at least fifteen percent of the qualified motion media production project that is filmed in Missouri takes place in a rural or blighted area in Missouri.

(4) An additional five percent may be earned for qualifying expenses if at least three departments of the qualified motion media production hire a Missouri resident ready to advance to the next level in a specialized craft position or learn a new skillset.

(5) An additional five percent may be earned for qualifying expenses if the department of economic development determines that the script of the qualified motion media production project positively markets a city or region of the state, the entire state, or a tourist attraction located in the state, and the qualified motion media production provides no less than five high resolution photographs containing cast with the rights cleared for promotional use by the Missouri film commission, accompanied by a list with the title of production, location, names, and titles of the individuals shown in the photography and photographer credit.

(6) The total dollar amount of tax credits authorized pursuant to subdivision (1) of this subsection shall be increased by ten percent for qualified film production projects located in a county of the second, third, or fourth class.

(7) Activities qualifying a taxpayer for the tax credit pursuant to this subsection shall be approved by the office of the Missouri film commission and the department of economic development.

4. A qualified motion media production project shall not be eligible for tax credits pursuant to this section unless such project employs at least the following number of Missouri registered apprentices or veterans residing in Missouri with transferable skills:

(1) If the qualifying expenses are less than five million dollars, two;

(2) If the qualifying expenses are at least five million dollars but less than ten million dollars, three;

(3) If the qualifying expenses are at least ten million dollars but less than fifteen million dollars, six; or

(4) If the qualifying expenses are at least fifteen million dollars, eight.

[3.] 5. Taxpayers shall apply for the [film] motion media production tax credit by submitting an application to the department of economic development, on a form provided by the department. As part of the application, the expected [in-state expenditures] qualifying expenses of the qualified [film] motion media production project shall be documented. In addition, the application shall include an economic impact statement, showing the economic impact from the activities of the [film] qualified motion media production project. Such economic impact statement shall indicate the impact on the region of the state in which the [film] qualified motion media production or production-related activities are located and on the state as a whole. Final applications shall be accompanied by a report by a certified public accountant licensed by the state of Missouri, prepared at the expense of the applicant, attesting that the amounts in the final application are qualifying expenses.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

[4.] 6. [For all taxable years ending on or before December 31, 2007, tax credits certified pursuant to subsection 2 of this section shall not exceed one million dollars per taxpayer per year, and shall not exceed a total for all tax credits certified of one million five hundred thousand dollars per year.] For all [taxable] tax years beginning on or after January 1, [2008] 2023, the total amount of tax credits [certified under subsection 1 of] authorized by this section for film production shall not exceed a total [for all tax credits certified] of [four] eight million [five hundred thousand] dollars per year, and the total amount of all tax credits authorized by this section for series production shall not exceed a total of eight million dollars per year. Taxpayers may carry forward unused credits for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the [film] qualified motion media production or production-related activities for which the credits are certified by the department occurred.

[5.] 7. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits allowed in subsection [2] 3 of this section. The taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or chapter 148. Unused acquired credits may be carried forward for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the [film] qualified motion media production or production-related activities for which the credits are certified by the department occurred.

8. The tax credit authorized by this section shall be considered a business recruitment tax credit, as defined in section 135.800, and shall be subject to the provisions of sections 135.800 to 135.830.

9. The department of economic development may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

[6.] 10. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the [new] program authorized under this section shall automatically sunset [six years after November 28, 2007] on December 31, 2029, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first, twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset; and

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized pursuant to this section expires, or a taxpayer's ability to redeem such tax credits.

11. (1) Notwithstanding the provisions of subsection 10 of this section to the contrary, the provisions of this section shall automatically terminate and expire one year after the department of economic development determines that all other state and local governments in the United States of America have terminated or let lapse their tax credit or other governmental incentive program for the film production industry, regardless of whether such credits or programs are now in effect or first commence after the effective date of this section. The department of economic development shall notify

the revisor of statutes upon the department's determination that the tax credit authorized by this section shall terminate pursuant to this subsection.

(2) The provisions of this subsection shall not be construed to limit or in any way impair the ability of any taxpayer that has met the requirements in this section prior to the termination of this section to participate in the program authorized under this section. The provisions of this section shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits qualified for on or before the date the program authorized pursuant to this section expires.

135.753. ENTERTAINMENT INDUSTRY JOBS ACT, TAX CREDIT — DEFINITIONS — AMOUNT — TRANSFER OF CREDITS — CONDITIONS AND LIMITATIONS — CAP — RULEMAKING — SUNSET PROVISION — CONTINGENT TERMINATION DATE. — 1. This section shall be known and may be cited as the "Entertainment Industry Jobs Act".

2. As used in this section, the following terms shall mean:

(1) "Base investment", the aggregate funds actually invested and expended by a Missouri taxpayer as a rehearsal expense or tour expense pursuant to this section;

(2) "Concert", a ticketed live performance of music in the physical presence of at least one thousand individuals who view the performance live. For the purposes of this subdivision, "ticketed" shall mean a concert where individual tickets for attendance are offered for sale to the public;

(3) "Concert tour equipment", stage, set, scenery, design elements, automation, rigging, trusses, spotlights, lighting, sound equipment, video equipment, special effects, cases, communication devices, power distribution equipment, backline and other miscellaneous equipment, or supplies used during a concert or rehearsal;

(4) "Department", the Missouri department of economic development;

(5) "Expense", any expense, expenditure, cost, charge, or other disbursement or spending of funds;

(6) "Facility", a site with one or more studios. Multiple studios at a single location shall not be considered separate facilities. A site may include one or more buildings on the same property or properties within a five-mile radius, provided that the properties' purpose and operations are interrelated and are owned or operated by the same owner or operator, as applicable;

(7) "Facility full-time equivalent employee", an employee that is scheduled to work an average of at least thirty-five hours per week and is located at the qualified rehearsal facility, or a combination of two or more employees that combined work an average of at least thirty-five hours per week and are located at the qualified rehearsal facility. An employee shall be considered to be located at the qualified rehearsal facility if such employee spends fifty percent or more of the employee's work time at the qualified rehearsal facility or at a nearby location serving the qualified rehearsal facility, including a warehouse, located in Missouri and owned by the same owner or operator, as applicable, of the qualified rehearsal facility. An employee that spends less than fifty percent of the employee's work time at the qualified rehearsal facility or nearby location shall be considered to be located at a qualified rehearsal facility if the employee receives his or her directions and control from the qualified rehearsal facility and is on the qualified rehearsal facility's payroll;

(8) "Minimum rehearsal and tour requirements", the occurrence of all of the following during a rehearsal or tour:

(a) The purchase or rental of concert tour equipment, related services, or both, in an amount of at least one million dollars from a Missouri vendor for use in the rehearsal, on the tour, or both;

(b) A rehearsal at a qualified rehearsal facility for a minimum of ten days; and

(c) The holding of at least two concerts in the state of Missouri;

(9) "Missouri vendor", an individual or entity located in and maintaining a place of business in this state. Only transactions made through a Missouri location of a Missouri vendor shall constitute a transaction with a Missouri vendor for the purposes of this section;

(10) "Nonresident", the same meaning as defined pursuant to section 143.101;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(11) "Pass-through entity", any incorporated or unincorporated entity that has or elects pass-through taxation under federal law, including, without limitation, a partnership, S corporation, or unincorporated entity with or that elects pass-through taxation;

(12) "Qualified rehearsal facility", a facility primarily used for rehearsals located in this state and which meets all of the following criteria:

(a) Has a minimum of twelve thousand five hundred square feet of column-free, unobstructed floor space in at least one rehearsal studio in the facility;

(b) Has had a minimum of eight million dollars invested in the facility in land or structure, or a combination of land and structure;

(c) Has a permanent grid system with a capacity of a minimum of five hundred thousand pounds in at least one rehearsal studio in the facility;

(d) Has a height from floor to permanent grid of a minimum of fifty feet in at least one rehearsal studio in the facility;

(e) Has at least one sliding or roll-up access door with a minimum height of fourteen feet in the facility;

(f) Has a security system which includes seven-days-a-week security cameras and the use of access control identification badges;

(g) Has a service area with production offices, catering, and dressing rooms with a minimum of five thousand square feet; and

(h) Is owned or operated by an entity that employs, on average on an annual basis, at least eighty facility full-time equivalent employees;

A qualified rehearsal facility shall not include a facility at which concerts are regularly held;

(13) "Resident", the same meaning as defined pursuant to section 143.101;

(14) "Rehearsal", an event or series of events which occur in preparation for a tour prior to the start of the tour or during a tour when additional preparation may be needed;

(15) "Rehearsal expenses", includes all of the following when incurred or when such expenses will be incurred during a rehearsal:

(a) Total aggregate payroll;

(b) Payment to a personal service corporation representing individual talent;

(c) Payment to a pass-through entity representing individual talent;

(d) Expenses related to construction, operations, editing, photography, staging, lighting, wardrobe, and accessories;

(e) The leasing of vehicles from a Missouri vendor;

(f) The transportation of people or concert tour equipment to or from a train station, bus depot, airport, or other transportation location, or from a residence or business entity;

(g) Insurance coverage for an entire tour if the insurance coverage is purchased or will be purchased through an insurance agent that is a Missouri vendor;

(h) Food and lodging from a Missouri vendor;

(i) The purchase or rental of concert tour equipment from a Missouri vendor;

(j) The rental of a qualified rehearsal facility; and

(k) Emergency or medical support services required to conduct a rehearsal;

(16) "Total aggregate payroll", the total sum expended on salaries paid to resident employees, regardless of whether such resident is working within or outside of this state, or nonresident employees working within this state in one or more tours or rehearsals, including, without limitation, payments to a loan-out company. For the purposes of this subdivision:

(a) With respect to a single employee, the portion of any salary which exceeds two million dollars in the aggregate for a single tour shall not be included when calculating total aggregate payroll;

(b) All payments to a single employee and any legal entity in which the employee has any direct or indirect ownership interest shall be considered as having been paid to the employee and shall be aggregated regardless of the means of payment or distribution; and

(c) Total aggregate payroll shall include payments to a loan-out company that has met its withholding tax obligations as provided in this paragraph. The taxpayer claiming the credit authorized pursuant to this section shall withhold Missouri income tax at the rate imposed pursuant to section 143.071 on all payments to loan-out companies for services performed in Missouri. Any amounts so withheld shall be deemed to have been withheld by the loan-out company on wages paid to its employees for services performed in Missouri, notwithstanding any exclusions under Missouri law for short-term employment of nonresident workers, out-of-state businesses, or otherwise. The amounts so withheld shall be allocated to the loan-out company's employees based on the payments made to the loan-out company's employees for services performed in Missouri. For the purposes of this section, loan-out company nonresident employees performing services in Missouri shall be considered taxable nonresidents and the loan-out company shall be subject to income taxation in the taxable year in which the loan-out company's employees perform services in Missouri, notwithstanding any other provisions of chapter 143. Such withholding liability shall be subject to penalties and interest in the same manner as the employee withholding taxes imposed under chapter 143 and the department of revenue shall provide by regulation the manner in which such liability shall be assessed and collected.

(17) "Tour", a series of concerts or other performances performed or to be performed by a musical or other live performer, including at least one rehearsal, in one or more locations over multiple days;

(18) "Tour expenses", expenses incurred or which will be incurred during a tour including venues located in this state, including:

(a) Total aggregate payroll;

(b) The transportation of people or concert tour equipment to or from a train station, bus depot, airport, or other transportation location, or from a residence or business entity located in this state, or which is purchased or will be purchased from a Missouri vendor;

(c) The leasing of vehicles provided by a Missouri vendor;

(d) The purchasing or rental of facilities and equipment from or through a Missouri vendor;

(e) Food and lodging which is incurred or will be incurred from a Missouri vendor;

(f) Marketing or advertising a tour at venues located within this state;

(g) Merchandise which is purchased or will be purchased from a Missouri vendor and used on the tour;

(h) Payments made or that will be made to a personal service corporation representing individual talent if income tax will be paid or accrued on the net income of the corporation for the taxable year pursuant to chapter 143; and

(i) Payments made or that will be made to a pass-through entity representing individual talent for which withholding tax will be withheld by the pass-through entity on the payment as required pursuant to chapter 143;

"Tour expenses" shall not include development expenses, including the writing of music or lyrics, or any expenses claimed by a taxpayer as rehearsal expenses.

3. (1) For all tax years beginning on or after January 1, 2024, a taxpayer shall be allowed a tax credit for rehearsal expenses and tour expenses incurred by the taxpayer. The amount of the tax credit shall be equal to thirty percent of the taxpayer's base investment, subject to the limitations provided in subsection 6 of this section. No tax credit shall be authorized for rehearsal expenses or tour expenses related to a rehearsal or tour that does not meet the minimum rehearsal and tour requirements.

(2) Tax credits issued pursuant to this section shall not be refundable. Any amount of tax credit that exceeds the tax liability for a taxpayer's tax year may be carried forward to any of the taxpayer's five subsequent taxable years.

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Matter underscored is proposed language.

4. (1) Tax credits authorized pursuant to this section may be transferred or sold in whole or in part by the taxpayer that claimed the tax credit, provided that the tax credit is transferred or sold to another Missouri taxpayer.

(2) A transferor may make one or more transfers or sales of tax credits claimed in a taxable year, and such transfers or sales may involve one or more transferees.

(3) A transferor shall submit to the department and to the department of revenue a written notification of any transfer or sale of tax credits within thirty days after the transfer or sale of such tax credits. Such notification shall include the amount of the transferor's unredeemed tax credits prior to transfer, the tax credit identifying certificate number or other relevant identifying information, the remaining amount of unredeemed tax credits after transfer, all tax identification numbers for each transferee, the date of transfer, the amount transferred, and any other information required by the department or the department of revenue.

(4) The transfer or sale of a tax credit authorized pursuant to this section shall not extend the time in which such tax credit may be redeemed. The carry-forward period for a tax credit that is transferred or sold shall begin on the date on which the tax credit was originally issued.

(5) A transferee shall have only such rights to claim and redeem the tax credits that were available to such transferor at the time of the transfer, except for the transfer use of the tax credit authorized in subdivision (1) of this subsection. To the extent that such transferor did not have rights to claim or redeem the tax credit at the time of the transfer, the department of revenue shall either disallow the tax credit claimed by the transferee or recapture the tax credit from the transferee. The transferee's recourse shall be against such transferor.

(6) Tax credits shall not be transferred or sold for less than sixty percent of the value of such tax credits.

(7) A taxpayer failing to comply with the provisions of this subsection shall not be able to redeem a tax credit until such taxpayer is in full compliance.

5. The tax credits authorized pursuant to this section shall be subject to the following conditions and limitations:

(1) The tax credit may be taken beginning with the taxable year in which the taxpayer earning the tax credit has met the requirements provided pursuant to this section. For each year in which such taxpayer either claims or transfers the tax credit, the taxpayer shall attach a schedule to the taxpayer's Missouri income tax return which shall include the following information:

(a) A description of the qualifying activities and expenses;

(b) A detailed listing of the employee names, Social Security numbers, and Missouri wages when salaries are included in the base investment;

(c) The amount of the tax credit claimed pursuant to this section for the tax year;

(d) Any tax credit previously taken by the taxpayer against Missouri income tax liabilities;

(e) The amount of the tax credit carried over from prior years;

(f) The amount of the tax credit utilized by the taxpayer claiming the tax credit in the current taxable year; and

(g) The amount of the tax credit to be carried over to subsequent tax years;

(2) In the initial tax year in which the taxpayer claims the credit authorized pursuant to this section, the taxpayer shall include a description of the qualifying activities and expenses that demonstrates that the minimum rehearsal and tour requirements are met; and

(3) Any taxpayer claiming, transferring, or selling a tax credit pursuant to this section shall be required to reimburse the department of revenue for any department-initiated audits relating to the tax credit. The provisions of this subdivision shall not apply to routine tax audits of a taxpayer which may include the review of the tax credit authorized pursuant to this section.

6. (1) The aggregate amount of tax credits that may be authorized in a given fiscal year pursuant to this section shall not exceed eight million dollars. If the amount of tax credits applied for by taxpayers

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exceeds such amount, the department may, at its discretion, authorize additional tax credits in an amount not to exceed two million dollars in such fiscal year, provided that the maximum amount of tax credits that may be authorized during the subsequent fiscal year shall be reduced by the amount of additional tax credits that the department authorizes.

(2) Notwithstanding the provisions of subdivision (1) of subsection 3 of this section to the contrary, the amount of tax credits claimed by a taxpayer pursuant to this section during a fiscal year shall not exceed the following amounts:

(a) If a taxpayer's base investment is less than four million dollars, the taxpayer shall not be awarded more than one million dollars in tax credits in a fiscal year;

(b) If a taxpayer's base investment is at least four million dollars but less than eight million dollars, the taxpayer shall not be awarded more than two million dollars in tax credits in a fiscal year; and

(c) If a taxpayer's base investment is at least eight million dollars, the taxpayer shall not be awarded more than three million dollars in tax credits in a fiscal year.

7. The department shall promulgate such rules and regulations as are necessary to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

8. Pursuant to section 23.253 of the Missouri sunset act:

(1) The program authorized pursuant to this section shall automatically sunset on December 31, 2030, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized pursuant to this section shall automatically sunset on December thirty-first, twelve years after the effective date of the reauthorization;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized pursuant to this section is sunset; and

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized pursuant to this section expires, or a taxpayer's ability to redeem such tax credits.

9. (1) Notwithstanding the provisions of subsection 8 of this section, the provisions of this section shall automatically terminate and expire ninety days after the department determines that all other state and local governments in the United States of America have terminated or let lapse their tax credit or other governmental incentive program for the music or performance entertainment industries, regardless of whether such credits or programs are now in effect or first commence after the effective date of this section. The department shall notify the revisor of statutes upon the department's determination that the tax credit authorized by this section shall terminate pursuant to this subsection.

(2) The provisions of this subsection shall not be construed to limit or in any way impair the ability of any taxpayer that has met the requirements in this section prior to the termination of this section to participate in the program authorized under this section. The provisions of this section shall not be construed to limit or in any way impair the department's ability to redeem tax credits qualified for on or before the date the program authorized pursuant to this section expires.

SECTION B. EFFECTIVE DATE FOR A CERTAIN SECTION. — The enactment of section 135.753 of this act shall become effective January 1, 2024.

Approved July 6, 2023

HCS SB 101

Enacts provisions relating to property and casualty insurance, with penalty provisions and a delayed effective date for certain sections.

AN ACT to repeal sections 287.690, 287.900, 287.902, 287.905, 287.907, 287.909, 287.910, 287.912, 287.915, 287.917, 287.919, 287.920, 375.1275, and 379.316, RSMo, and to enact in lieu thereof fifteen new sections relating to property and casualty insurance, with penalty provisions and a delayed effective date for certain sections.

SECTION

A Enacting clause.

- 287.690 Premium tax on insurance carriers, purpose, rate, how determined — use of funds for employers mutual insurance company, purpose.
- 287.921 Conversion of Missouri employers mutual insurance company to a private mutual insurance corporation, when — procedure.
- 375.1275 RBC reports for calendar year 1993, requirements — RBC reports for 1996, requirements — not applicable, when — 2014 filings for health organizations.
- 379.316 Scope of act (section 379.017 and sections 379.316 to 379.361).
- 379.1850 Lender-placed insurance, applicability — exceptions.
- 379.1851 Definitions.
- 379.1853 Effective, when — terminates, when — charges, limitation on length of term.
- 379.1855 Coverage and premiums based on replacement cost value — determined how.
- 379.1857 Prohibited acts.
- 379.1859 Requirements not to be circumvented.
- 379.1861 Individual policy or certificate of insurance — delivery of — information to be included.
- 379.1863 Filing requirements with the department — review of rates — refile required, when — information to be reported annually to department.
- 379.1865 Enforcement by department — no private cause of action.
- 379.1867 Violations, monetary penalty or sanction of license.
- 379.1869 Rulemaking authority.
- 287.900 Citation of law — definitions.
- 287.902 Missouri employers mutual insurance company, created, powers, purpose.
- 287.905 Board, created — members, appointment, qualifications, terms — chairman.
- 287.907 Administrator, hiring of, qualifications, compensation — powers of board, generally.
- 287.909 Administrator, duties of, bond required — immunity from liability, board and employees.
- 287.910 Rates, board to determine, how.
- 287.912 Investment policy, board to determine — administrator to make investments, how.
- 287.915 Agents may sell policies, commissions.
- 287.917 Workplace safety program, administrator to formulate — safety plan, contents — rates may be reduced, when.
- 287.919 Company not to receive state appropriation, exception — revenue bonds, authorization, terms, execution, procedures.
- 287.920 Audit required, when, procedure — report, contents, governor and general assembly to receive — administrator to formulate budget — department, duties — subscribers to be provided policy, when.

B Effective date for certain sections.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 287.690, 287.900, 287.902, 287.905, 287.907, 287.909, 287.910, 287.912, 287.915, 287.917, 287.919, 287.920, 375.1275, and 379.316, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 287.690, 287.921, 375.1275, 379.316, 379.1850, 379.1851, 379.1853, 379.1855, 379.1857, 379.1859, 379.1861, 379.1863, 379.1865, 379.1867, and 379.1869, to read as follows:

287.690. PREMIUM TAX ON INSURANCE CARRIERS, PURPOSE, RATE, HOW DETERMINED — USE OF FUNDS FOR EMPLOYERS MUTUAL INSURANCE COMPANY, PURPOSE. — **[1.]** Prior to December 31, 1993, for the purpose of providing for the expense of administering this chapter **[and for the purpose set out in subsection 2 of this section]**, every person, partnership, association, corporation, whether organized under the laws of this or any other state or country, the state of Missouri, including any of its departments, divisions, agencies, commissions, and boards or any political subdivisions of the state who self-insure or hold themselves out to be any part self-insured, company, mutual company, the parties to any interindemnity contract, or other plan or scheme, and every other insurance carrier, insuring employers in this state against liability for personal injuries to their employees, or for death caused thereby, under this chapter, shall pay, as provided in this chapter, tax upon the net deposits, net premiums or net assessments received, whether in cash or notes in this state, or on account of business done in this state, for such insurance in this state at the rate of two percent in lieu of all other taxes on such net deposits, net premiums or net assessments, which amount of taxes shall be assessed and collected as herein provided. Beginning October 31, 1993, and every year thereafter, the director of the division of workers' compensation shall estimate the amount of revenue required to administer this chapter and the director shall determine the rate of tax to be paid in the following calendar year pursuant to this section commencing with the calendar year beginning on January 1, 1994. If the balance of the fund estimated to be on hand on December thirty-first of the year each tax rate determination is made is less than one hundred ten percent of the previous year's expenses plus any additional revenue required due to new statutory requirements given to the division by the general assembly, then the director shall impose a tax not to exceed two percent in lieu of all other taxes on net deposits, net premiums or net assessments, rounded up to the nearest one-half of a percentage point, which amount of taxes shall be assessed and collected as herein provided. The net premium equivalent for individual self-insured employers shall be based on average rate classifications calculated by the department of commerce and insurance as taken from premium rates filed by the twenty insurance companies providing the greatest volume of workers' compensation insurance coverage in this state. For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such group of employers in accordance with subsection 4 of section 287.280 shall be the net premium equivalent. Any group of political subdivisions of this state qualified to self-insure their liability pursuant to this chapter as authorized by section 537.620 may choose either the average rate classification method or the filed rate method, provided that the method used may only be changed once without receiving the consent of the director of the division of workers' compensation. Every entity required to pay the tax imposed pursuant to this section and section 287.730 shall be notified by the division of workers' compensation within ten calendar days of the date of the determination of the rate of tax to be imposed for the following year. Net premiums, net deposits or net assessments are defined as gross premiums, gross deposits or gross assessments less cancelled or returned premiums, premium deposits or assessments and less dividends or savings, actually paid or credited.

[2.] After January 1, 1994, the director of the division shall make one or more loans to the Missouri employers mutual insurance company in an amount not to exceed an aggregate amount of five million dollars from the fund maintained to administer this chapter for start-up funding and initial capitalization of the company. The board of the company shall make application to the director for the loans, stating

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Matter underscored is proposed language.

the amount to be loaned to the company. The loans shall be for a term of five years and, at the time the application for such loans is approved by the director, shall bear interest at the annual rate based on the rate for linked deposit loans as calculated by the state treasurer pursuant to section 30.758.]

287.921. CONVERSION OF MISSOURI EMPLOYERS MUTUAL INSURANCE COMPANY TO A PRIVATE MUTUAL INSURANCE CORPORATION, WHEN — PROCEDURE. — 1. For purposes of this section, the following terms mean:

(1) "Company", any independent public corporation created for the purpose of insuring Missouri employers against liability for workers' compensation, occupational disease, and employers' liability coverage;

(2) "Department", the department of commerce and insurance;

(3) "Director", the director of the department of commerce and insurance.

2. Before January 1, 2025, any company may file amended and restated articles of incorporation with the department and the secretary of state converting the company from an independent public corporation to a private mutual insurance corporation under the provisions of chapter 379. If the director determines that the amended and restated articles of incorporation comply with the applicable provisions of chapter 379, the following shall occur:

(1) The director shall issue an amended certificate of authority effective January 1, 2025, to the company to operate as a private mutual insurance corporation licensed to write any lines of insurance authorized under the provisions of chapter 379;

(2) The director shall reauthorize the company's existing filings, forms, or other administrative matters on file with the department so that the company's filings, rates, forms, or other administrative matters shall be effective January 1, 2025; and

(3) The secretary of state shall issue an amended certificate of incorporation effective January 1, 2025, certifying and declaring the company to be a body corporate duly organized, existing, and entitled to all rights and privileges granted corporations organized under chapter 379.

3. The company may continue to conduct business under its existing name or adopt any other name that complies with state law.

4. (1) From and after January 1, 2025, the converted private mutual insurance corporation shall become the successor in interest to all assets and liabilities of the company as of the conversion date directed in this section without any conveyance or transfer and without any further act or deed and shall be vested by operation of law to all property of the company.

(2) The state is not liable for the expenses, liabilities, or debts of:

(a) The converted private mutual insurance corporation described in this section;

(b) The company; or

(c) A subsidiary or joint enterprise involving the private mutual insurance corporation or the company.

375.1275. RBC REPORTS FOR CALENDAR YEAR 1993, REQUIREMENTS — RBC REPORTS FOR 1996, REQUIREMENTS — NOT APPLICABLE, WHEN — 2014 FILINGS FOR HEALTH ORGANIZATIONS. — 1. For RBC reports required to be filed by life and health insurers with respect to 1993, the following requirements shall apply in lieu of the provisions of section 375.1255:

(1) In the event of a company action level event with respect to an insurer, the director shall take no regulatory action;

(2) In the event of a regulatory action level event pursuant to section 375.1257, the director shall take the actions required pursuant to section 375.1255;

(3) In the event of a regulatory action level event pursuant to section 375.1257 or an authorized control level event, the director shall take the actions required pursuant to section 375.1257 with respect to the insurer;

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Matter underscored is proposed language.

(4) In the event of a mandatory control level event with respect to an insurer, the director shall take the actions required pursuant to section 375.1260 with respect to the insurer.

2. For RBC reports required to be filed by property and casualty insurers with respect to 1996, the following requirements shall apply in lieu of the provisions of sections 375.1255 to 375.1262:

(1) In the event of a company action level event with respect to a domestic insurer, the director shall take no regulatory action under sections 375.1250 to 375.1275;

(2) In the event of a regulatory action level event under subdivision (1), (2) or (3) of subsection 1 of section 375.1257, the director shall take the actions required under section 375.1255;

(3) In the event of a regulatory action level event under subdivision (4), (5), (6), (7), (8) or (9) of subsection 1 of section 375.1257 or an authorized control level event, the director shall take the actions required under section 375.1257, with respect to the insurer;

(4) In the event of a mandatory control level event, the director shall take the actions required under section 375.1260 with respect to the insurer.

3. For RBC reports required to be filed by health organizations with respect to 2014, the following requirements shall apply in lieu of the provisions of sections 375.1255 to 375.1262:

(1) In the event of a company action level event with respect to a domestic health organization, the director shall take no regulatory action;

(2) In the event of a regulatory action level event under subdivisions (1) to (3) of subsection 1 of section 375.1257, the director shall take the actions required pursuant to section 375.1255;

(3) In the event of a regulatory action level event under subdivisions (4) to (9) of subsection 1 of section 375.1257 or an authorized control level event, the director shall take the actions required under section 375.1257 with respect to the health organization;

(4) In the event of a mandatory control level event with respect to a health organization, the director shall take the actions required under section 375.1260 with respect to the health organization.

[4.The actions required under sections 375.1255 to 375.1262 or this section shall not apply to any insurer operating under the provisions of sections 287.900 to 287.920 which is under any order of supervision, including waivers of requirements for capital and surplus, issued or commenced by the director prior to August 28, 1996. This provision shall remain in effect until such order or proceeding expires or is otherwise terminated by further order of the director.]

379.316. SCOPE OF ACT (SECTION 379.017 AND SECTIONS 379.316 TO 379.361). — 1. Section 379.017 and sections 379.316 to 379.361 apply to insurance companies incorporated pursuant to sections 379.035 to 379.355, section 379.080, sections 379.060 to 379.075, sections 379.085 to 379.095, sections 379.205 to 379.310, and to insurance companies of a similar type incorporated pursuant to the laws of any other state of the United States, and alien insurers licensed to do business in this state, which transact fire and allied lines, marine and inland marine insurance, to any and all combinations of the foregoing or parts thereof, and to the combination of fire insurance with other types of insurance within one policy form at a single premium, on risks or operations in this state, except:

(1) Reinsurance, other than joint reinsurance to the extent stated in section 379.331;

(2) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured pursuant to marine, as distinguished from inland marine, insurance policies;

(3) Insurance against loss of or damage to aircraft, or against liability, other than employers' liability, arising out of the ownership, maintenance, or use of aircraft;

(4) All forms of motor vehicle insurance; and

(5) All forms of life, accident and health, and workers' compensation insurance.

2. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the director, or as established by general custom of the business, as inland marine insurance.

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Matter underscored is proposed language.

3. Commercial property and commercial casualty insurance policies are subject to rate and form filing requirements as provided in section 379.321.

379.1850. LENDER-PLACED INSURANCE, APPLICABILITY — EXCEPTIONS. — 1. Sections 379.1850 to 379.1869 shall apply to insurers and insurance producers engaged in any transaction involving lender-placed insurance, as defined in section 379.1851.

2. All lender-placed insurance written in connection with mortgaged real property, including manufactured homes and modular units, as defined in section 700.010, is subject to the provisions of sections 379.1850 to 379.1869, except:

(1) Transactions involving extensions of credit primarily for business, commercial, or agricultural purposes;

(2) Insurance offered by the lender or servicer and elected by the mortgagor at the mortgagor's option;

(3) Insurance purchased by a lender or servicer on real estate owned property;

(4) Insurance for which no specific charge is made to the mortgagor or the mortgagor's account.

379.1851. DEFINITIONS. — As used in sections 379.1850 to 379.1869, the following terms shall mean:

(1) "Affiliate", a person who directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, the person specified;

(2) "Individual lender-placed insurance", coverage for individual real property evidenced by a certificate of coverage under a master lender-placed insurance policy or a lender-placed insurance policy for individual real property;

(3) "Insurance producer", a person or entity, or its affiliates, required to be licensed under the laws of this state to sell, solicit, or negotiate insurance;

(4) "Insurer", an insurance company, association, or exchange, or its affiliates, authorized to issue lender-placed insurance in this state;

(5) "Investor", a person or entity, or its affiliates, holding a beneficial interest in loans secured by real property;

(6) "Lapse", the moment in time in which a mortgagor has failed to secure or maintain valid or sufficient insurance upon mortgaged real property as required by a mortgage agreement;

(7) "Lender", a person or entity, or its affiliates, making loans secured by an interest in real property;

(8) "Lender-placed insurance", insurance obtained by a lender or servicer when a mortgagor does not maintain valid or sufficient insurance upon mortgaged real property as required by the terms of the mortgage agreement. Such term shall include insurance purchased unilaterally by the lender or servicer, who is the named insured, subsequent to the date of the credit transaction, providing coverage against loss, expense, or damage to collateralized property as a result of fire, theft, collision, or other risks of loss that would either impair a lender, servicer, or investor's interest, or adversely affect the value of collateral covered by limited dual interest insurance. Such term is limited to insurance purchased according to the terms of a mortgage agreement as a result of the mortgagor's failure to provide evidence of required insurance;

(9) "Loss ratio", the ratio of incurred losses to earned premium;

(10) "Master lender-placed policy", a group policy issued to a lender or servicer providing coverage for all loans in the lender or servicer's loan portfolio as needed;

(11) "Mortgage agreement", the written document that sets forth an obligation or liability of any kind secured by a lien on real property and due from, owing, or incurred by a mortgagor to a lender on account of a mortgage loan, including a security agreement, deed of trust, or any other document of similar effect, and any other documents incorporated by reference;

(12) "Mortgage loan", a loan, advance, guarantee, or other extension of credit from a lender to a mortgagor;

(13) "Mortgage transaction", a transaction by the terms of which the repayment of money loaned or payment of real property sold is to be made at a future date or dates;

(14) "Mortgagee", the person who holds mortgaged real property as security for repayment of a mortgage agreement;

(15) "Mortgagor", the person who is obligated on a mortgage loan pursuant to a mortgage agreement;

(16) "Person", an individual or entity;

(17) "Real estate owned property", property owned or held by a lender or servicer following foreclosure under the related mortgage agreement or the acceptance of a deed in lieu of foreclosure;

(18) "Replacement cost value" or "RCV", the estimated cost to replace covered property at the time of the loss or damage without deduction for depreciation. Replacement cost value is not market value, but it is instead the cost to replace covered property to its pre-loss condition, as best determined under section 379.1855;

(19) "Servicer", a person or entity, or its affiliates, contractually obligated to service one or more mortgage loans for a lender or investor. Such term shall include entities involved in subservicing arrangements.

379.1853. EFFECTIVE, WHEN — TERMINATES, WHEN — CHARGES, LIMITATION ON LENGTH OF TERM. — 1. Lender-placed insurance shall become effective no earlier than the date of lapse of insurance upon mortgaged real property subject to the terms of a mortgage agreement or any other state or federal law requiring the same.

2. Individual lender-placed insurance shall terminate on the earliest of the following dates:

(1) The date insurance that is acceptable under the mortgage agreement becomes effective, subject to the mortgagor providing sufficient evidence of such acceptable insurance;

(2) The date the applicable real property no longer serves as collateral for a mortgage loan pursuant to a mortgage agreement;

(3) Such other date as specified by the individual policy or certificate of insurance;

(4) Such other date as specified by the lender or servicer; or

(5) The termination date of the policy.

3. An insurance charge shall not be made to a mortgagor for lender-placed insurance for a term longer than the scheduled term of the lender-placed insurance, nor shall an insurance charge be made to the mortgagor for lender-placed insurance before the effective date of the lender-placed insurance.

379.1855. COVERAGE AND PREMIUMS BASED ON REPLACEMENT COST VALUE — DETERMINED HOW. — 1. Any lender-placed insurance coverage, and subsequent calculation of premium, should be based upon the replacement cost value of the property. Replacement cost value of the property shall be determined as follows:

(1) The dwelling coverage amount set forth in the most recent evidence of insurance coverage provided by the mortgagee ("last known coverage amount" or "LKCA"), if known to the lender or servicer;

(2) The insurer shall inquire of the insured at least once as to the LKCA, and if it is not able to obtain the LKCA from the insured or in another manner, the replacement cost value may be determined as set forth in subdivision (3) or (4) of this subsection;

(3) If the LKCA is unknown and cannot be obtained from the insured or in another manner, the replacement cost of the property serving as collateral as calculated by the insurer, unless the use of replacement cost for this purpose is prohibited by other law;

(4) If the LKCA is unknown and cannot be obtained from the insured or in another manner, and the replacement cost is not available or its use is prohibited, the unpaid principal balance of the mortgage loan.

2. In the event of a covered loss, any replacement cost coverage provided by an insurer in excess of the unpaid principal balance of the mortgage loan shall be paid to the mortgagor.

3. No insurer shall write lender-placed insurance for which the premium rate differs from that determined by the schedules of the insurer on file with the department of commerce and insurance as of the effective date of the policy.

379.1857. PROHIBITED ACTS. — 1. No insurer or insurance producer shall issue lender-placed insurance on mortgaged property if the insurer or insurance producer, or an affiliate of the insurer or insurance producer, owns, performs the servicing for, or owns the servicing right to, the mortgaged property.

2. No insurer or insurance producer shall compensate a lender, insurer, investor, or servicer, including through the payment of commissions, for lender-placed insurance policies issued by the insurer.

3. No insurer or insurance producer shall share lender-placed insurance premium or risk with the lender, investor, or servicer that obtained the lender-placed insurance.

4. No insurer or insurance producer shall offer contingent commissions, profit sharing, or other payments dependent on profitability or loss ratios to any person affiliated with a servicer or the insurer in connection with lender-placed insurance.

5. No insurer shall provide free or below-cost outsourced services to lenders, investors, or servicers, and no insurer shall outsource its own functions to lenders, insurance producers, investors, or servicers on an above-cost basis.

6. No insurer or insurance producer shall make any payments, including but not limited to the payment of expenses to a lender, insurer, investor, or servicer, for the purpose of securing lender-placed insurance business or related outsourced services.

379.1859. REQUIREMENTS NOT TO BE CIRCUMVENTED. — Nothing in sections 379.1850 to 379.1869 shall be construed to allow an insurance producer or an insurer solely underwriting lender-placed insurance to circumvent the requirements set forth within those sections. Any part of any requirements, limitations, or exclusions provided in sections 379.1850 to 379.1869 shall apply in any part to any insurer or insurance producer involved in lender-placed insurance.

379.1861. INDIVIDUAL POLICY OR CERTIFICATE OF INSURANCE — DELIVERY OF — INFORMATION TO BE INCLUDED. — Lender-placed insurance shall be set forth in an individual policy or certificate of insurance. A copy of the individual policy, certificate of insurance, or other evidence of insurance coverage shall be mailed, first class mailed, or delivered in person to the last known address of the mortgagor, or delivered in accordance with sections 432.200 to 432.295. In addition to any information otherwise required by law, the individual policy or certificate of insurance coverage shall include the following information:

- (1) The address and identification of the insured property;
- (2) The coverage amount, or amounts if multiple coverages are provided;
- (3) The effective date of the coverage;
- (4) The term of coverage;
- (5) The premium charge for the coverage;
- (6) Contact information for filing a claim; and
- (7) A complete description of the coverage provided.

379.1863. FILING REQUIREMENTS WITH THE DEPARTMENT — REVIEW OF RATES — REFILE REQUIRED, WHEN — INFORMATION TO BE REPORTED ANNUALLY TO DEPARTMENT.

1. All policy forms and certificates of insurance to be delivered or issued for delivery in this state, and the schedules of premium rates pertaining thereto, shall be filed with the department of commerce and insurance.

2. The department of commerce and insurance shall review the rates to determine whether the rates are excessive, inadequate, or unfairly discriminatory. This analysis shall include a determination as to whether expenses included by the insurer in the rate are appropriate.

3. All insurers shall re-file lender-placed insurance rates at least once every four years.

4. All insurers writing lender-placed insurance shall have separate rates for lender-placed insurance and voluntary insurance obtained by a mortgage servicer on real estate owned property.

5. Upon the introduction of a new lender-placed insurance program, the insurer shall reference its experience in existing programs in the associated filings. Nothing in sections 379.1850 to 379.1869 shall limit an insurer's discretion, as actuarially appropriate, to distinguish different terms, conditions, exclusions, eligibility criteria, or other unique or different characteristics. Moreover, an insurer may, where actuarially acceptable, rely upon models or, in the case of flood filings where applicable experience is not credible, on Federal Emergency Management Agency National Flood Insurance Program data.

6. (1) No later than April first of each year, each insurer with at least one hundred thousand dollars in direct written premium for lender-placed insurance in this state during the prior calendar year shall report to the department of commerce and insurance the following information for the prior calendar year:

(a) Actual loss ratio;

(b) Earned premium;

(c) Any aggregate schedule rating debit or credit to earned premium;

(d) Itemized expenses;

(e) Paid losses;

(f) Loss reserves, including case reserves and reserves for incurred but not reported losses.

(2) The report under subdivision (1) of this subsection shall be separately produced for each lender-placed program and presented on both an individual-jurisdiction and countrywide basis.

7. If an insurer experiences an annual loss ratio of less than thirty five percent in any lender-placed program for two consecutive years, it shall submit a rate filing, either adjusting its rates or supporting their continuance, to the department of commerce and insurance no more than ninety days after the submission of the data required in subsection 6 of this section. This subsection shall not apply with regard to lender-placed flood insurance.

8. Except as otherwise specifically set forth in this section, rates and forms shall be filed as required under the insurance laws of this state.

379.1865. ENFORCEMENT BY DEPARTMENT — NO PRIVATE CAUSE OF ACTION. — 1. (1)
The director of the department of commerce and insurance shall have authority to enforce the provisions of sections 379.1850 to 379.1869 as specified in chapter 374.

(2) A final order of the director enforcing sections 379.1850 to 379.1869 shall be subject to judicial review in accordance with the provisions of chapter 536 in the circuit court of Cole County.

(3) No order of the director enforcing sections 379.1850 to 379.1869 or order of a court to enforce the same shall in any way relieve or absolve any person affected by such order from any liability under any other laws of this state.

2. Nothing in sections 379.1850 to 379.1869 shall be construed to create or imply a private cause of action for violations of sections 379.1850 to 379.1869.

3. Nothing in sections 379.1850 to 379.1869 shall be construed to extinguish any mortgagor rights otherwise available under state, federal, or common law.

379.1867. VIOLATIONS, MONETARY PENALTY OR SANCTION OF LICENSE. — An insurer that violates an order of the director while the order is in effect may, after notice and hearing and upon order of the director, be subject at the discretion of the director to either or both of the following:

(1) Payment of a monetary penalty of not more than one thousand dollars per violation, not to exceed an aggregate penalty of one hundred thousand dollars, unless the violation was committed flagrantly in a conscious disregard of sections 379.1850 to 379.1869, in which case the penalty shall not be more than twenty-five thousand dollars for each violation, not to exceed an aggregate penalty of two hundred fifty thousand dollars; or

(2) Suspension or revocation of the insurer's license.

379.1869. RULEMAKING AUTHORITY. — The department of commerce and insurance may promulgate rules as necessary for the implementation of sections 379.1850 to 379.1869. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

[287.900. CITATION OF LAW — DEFINITIONS. — 1. Sections 287.900 to 287.920 shall be known as the "Missouri Employers Mutual Insurance Company Act".

2. As used in sections 287.900 to 287.920, the following words mean:

(1) "Administrator", the chief executive officer of the Missouri employers mutual insurance company;

(2) "Board", the board of directors of the Missouri employers mutual insurance company;

(3) "Company", the Missouri employers mutual insurance company created in section 287.902.]

[287.902. MISSOURI EMPLOYERS MUTUAL INSURANCE COMPANY, CREATED, POWERS, PURPOSE. — The "Missouri Employers Mutual Insurance Company" is created as an independent public corporation for the purpose of insuring Missouri employers against liability for workers' compensation, occupational disease and employers' liability coverage. The company shall be organized and operated as a domestic mutual insurance company and it shall not be a state agency. The company shall have the powers granted a general not-for-profit corporation pursuant to section 355.090 to the extent the provisions of such section do not conflict with the provisions of sections 287.900 to 287.920. The company shall be a member of the Missouri property and casualty guaranty association, sections 375.771 to 375.779, and as such will be subject to assessments therefrom, and the members of such association shall bear responsibility in the event of the insolvency of the company. The company shall be established pursuant to the provisions of sections 287.900 to 287.920. Preference shall be given to Missouri employers that develop an annual premium of not greater than ten thousand dollars. The company shall use flexibility and experimentation in the development of types of policies and coverages offered to employers, subject to the approval of the director of the department of commerce and insurance.]

[287.905. BOARD, CREATED — MEMBERS, APPOINTMENT, QUALIFICATIONS, TERMS — CHAIRMAN. — 1. There is created a board of directors for the company. The board shall be appointed by January 1, 1994, and shall consist of five members appointed or selected as provided in this section.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

The governor shall appoint the initial five members of the board with the advice and consent of the senate. Each director shall serve a five-year term. Terms shall be staggered so that no more than one director's term expires each year on the first day of July. The five directors initially appointed by the governor shall determine their initial terms by lot. At the expiration of the term of any member of the board, the company's policyholders shall elect a new director in accordance with provisions determined by the board.

2. Any person may be a director who:

(1) Does not have any interest as a stockholder, employee, attorney, agent, broker or contractor of an insurance entity who writes workers' compensation insurance or whose affiliates write workers' compensation insurance; and

(2) Is of good moral character and who has never pleaded guilty to, or been found guilty of, a felony.

3. The board shall annually elect a chairman and any other officers it deems necessary for the performance of its duties. Board committees and subcommittees may also be formed.]

[287.907. ADMINISTRATOR, HIRING OF, QUALIFICATIONS, COMPENSATION — POWERS OF BOARD, GENERALLY. — 1. By March 1, 1994, the board shall hire an administrator who shall serve at the pleasure of the board and the company shall be fully prepared to be operational by March 1, 1995, and assume its responsibilities pursuant to sections 287.900 to 287.920. The administrator shall receive compensation as established by the board and must have proven successful experience as an executive at the general management level in the insurance business.

2. The board is vested with full power, authority and jurisdiction over the company. The board may perform all acts necessary or convenient in the administration of the company or in connection with the insurance business to be carried on by the company. In this regard, the board is empowered to function in all aspects as a governing body of a private insurance carrier.]

[287.909. ADMINISTRATOR, DUTIES OF, BOND REQUIRED — IMMUNITY FROM LIABILITY, BOARD AND EMPLOYEES. — 1. The administrator of the company shall act as the company's chief executive officer. The administrator shall be in charge of the day-to-day operations and management of the company.

2. Before entering the duties of office, the administrator shall give an official bond in an amount and with sureties approved by the board. The premium for the bond shall be paid by the company.

3. The administrator or his designee shall be the custodian of the moneys of the company and all premiums, deposits or other moneys paid thereto shall be deposited with a financial institution as designated by the administrator.

4. No board member, officer or employee of the company is liable in a private capacity for any act performed or obligation entered into when done in good faith, without intent to defraud, and in an official capacity in connection with the administration, management or conduct of the company or affairs relating to it.]

[287.910. RATES, BOARD TO DETERMINE, HOW. — The board shall have full power and authority to establish rates to be charged by the company for insurance. The board shall contract for the services of or hire an independent actuary, a member in good standing with the American Academy of Actuaries, to develop and recommend actuarially sound rates. Rates shall be set at amounts sufficient, when invested, to carry all claims to maturity, meet the reasonable expenses of conducting the business of the company and maintain a reasonable surplus. The company shall conduct a workers' compensation program that shall be neither more nor less than self-supporting.]

[287.912. INVESTMENT POLICY, BOARD TO DETERMINE — ADMINISTRATOR TO MAKE INVESTMENTS, HOW. — The board shall formulate and adopt an investment policy and supervise the investment activities of the company. The administrator may invest and reinvest the surplus or reserves of the company subject to the limitations imposed on domestic insurance companies by state law. The company may retain an independent investment counsel. The board shall periodically review and appraise the investment strategy being followed and the effectiveness of such services. Any investment counsel retained or hired shall periodically report to the board on investment results and related matters.]

[287.915. AGENTS MAY SELL POLICIES, COMMISSIONS. — Any insurance agent or broker licensed to sell workers' compensation insurance in this state shall be authorized to sell insurance policies for the company in compliance with the bylaws adopted by the company. The board shall establish a schedule of commissions to pay for the services of the agent.]

[287.917. WORKPLACE SAFETY PROGRAM, ADMINISTRATOR TO FORMULATE — SAFETY PLAN, CONTENTS — RATES MAY BE REDUCED, WHEN. — 1. The administrator shall formulate, implement and monitor a workplace safety program for all policyholders.

2. The company shall have representatives whose sole purpose is to develop, with policyholders, a written workplace accident and injury reduction plan that promotes safe working conditions and which is based upon clearly stated goals and objectives. Company representatives shall have reasonable access to the premises of any policyholder or applicant during regular working hours. The company shall communicate the importance of a well-defined safety plan and assist in any way to obtain this objective.

3. The administrator or board may refuse to insure, or may terminate the insurance of any subscriber who refuses to permit on-site examinations or disregards the workplace accident and injury reduction plan.

4. Upon the completion of a detailed inspection and recognition of a high regard for employee work safety, a deviation may be applied to the rate structure of that insured noting special recognition of those efforts.]

[287.919. COMPANY NOT TO RECEIVE STATE APPROPRIATION, EXCEPTION — REVENUE BONDS, AUTHORIZATION, TERMS, EXECUTION, PROCEDURES. — 1. The Missouri employers mutual insurance company shall not receive any state appropriation, directly or indirectly, except as provided in section 287.690.

2. In order to provide funds for the creation, continued development and operation of the company, the board is authorized to issue revenue bonds from time to time, in a principal amount outstanding not to exceed forty million dollars at any given time, payable solely from premiums received from insurance policies and other revenues generated by the company.

3. The board may issue bonds to refund other bonds issued pursuant to this section.

4. The bonds shall have a maturity of no more than ten years from the date of issuance. The board shall determine all other terms, covenants and conditions of the bonds, except that no bonds may be redeemed prior to maturity unless the company has established adequate reserves for the risks it has insured.

5. The bonds shall be executed with the manual or facsimile signature of the administrator or the chairman of the board and attested by another member of the board. The bonds may bear the seal, if any, of the company.

6. The proceeds of the bonds and the earnings on those proceeds shall be used by the board for the development and operation of the Missouri employers mutual insurance company, to pay expenses incurred in the preparation, issuance and sale of the bonds and to pay any obligations relating to the bonds and the proceeds of the bonds under the United States Internal Revenue Code of 1986, as amended.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

7. The bonds may be sold at a public sale or a private sale. If the bonds are sold at a public sale, the notice of sale and other procedures for the sale shall be determined by the administrator or the company.

8. This section is full authority for the issuance and sale of the bonds and the bonds shall not be invalid for any irregularity or defect in the proceedings for their issuance and sale and shall be incontestable in the hands of bona fide purchasers or holders of the bonds for value.

9. An amount of money from the sources specified in subsection 2 of this section sufficient to pay the principal of and any interest on the bonds as they become due each year shall be set aside and is hereby pledged for the payment of the principal and interest on the bonds.

10. The bonds shall be legal investments for any person or board charged with the investment of public funds and may be accepted as security for any deposit of public money, and the bonds and interest thereon are exempt from taxation by the state and any political subdivision or agency of the state.

11. The bonds shall be payable by the company, which shall keep a complete record relating to the payment of the bonds.

12. Not more than fifty percent of the bonds sold shall be sold to public entities.]

[287.920. AUDIT REQUIRED, WHEN, PROCEDURE — REPORT, CONTENTS, GOVERNOR AND GENERAL ASSEMBLY TO RECEIVE — ADMINISTRATOR TO FORMULATE BUDGET — DEPARTMENT, DUTIES — SUBSCRIBERS TO BE PROVIDED POLICY, WHEN. — 1. The board shall cause an annual audit of the books of accounts, funds and securities of the company to be made by a competent and independent firm of certified public accountants, the cost of the audit to be charged against the company. A copy of the audit report shall be filed with the director of the department of commerce and insurance and the administrator. The audit shall be open to the public for inspection.

2. The board shall submit an annual independently audited report in accordance with procedures governing annual reports adopted by the National Association of Insurance Commissioners by March first of each year and the report shall be delivered to the governor and the general assembly and shall indicate the business done by the company during the previous year and contain a statement of the resources and liabilities of the company.

3. The administrator shall annually submit to the board for its approval an estimated budget of the entire expense of administering the company for the succeeding calendar year having due regard to the business interests and contract obligations of the company.

4. The incurred loss experience and expense of the company shall be ascertained each year to include but not be limited to estimates of outstanding liabilities for claims reported to the company but not yet paid and liabilities for claims arising from injuries which have occurred but have not yet been reported to the company. If there is an excess of assets over liabilities, necessary reserves and a reasonable surplus for the catastrophe hazard, then a cash dividend may be declared or a credit allowed to an employer who has been insured with the company in accordance with criteria approved by the board, which may account for the employer's safety record and performance.

5. The department of commerce and insurance shall conduct an examination of the company in the manner and under the conditions provided by the statutes of the insurance code for the examination of insurance carriers. The board shall pay the cost of the examination as an expense of the company. The company is subject to all provisions of the statutes which relate to private insurance carriers and to the jurisdiction of the department of commerce and insurance in the same manner as private insurance carriers, except as provided by the director.

6. For the purpose of ascertaining the correctness of the amount of payroll reported, the number of employees on the employer's payroll and for such other information as the administrator may require in the proper administration of the company, the records and payrolls of each employer insured by the company shall always be open to inspection by the administrator or his duly authorized agent or representative.

7. Every employer provided insurance coverage by the company, upon complying with the underwriting standards adopted by the company, and upon completing the application form prescribed by the company, shall be furnished with a policy showing the date on which the insurance becomes effective.]

SECTION B. EFFECTIVE DATE FOR CERTAIN SECTIONS. — The repeal of sections 287.900, 287.902, 287.905, 287.907, 287.909, 287.910, 287.912, 287.915, 287.917, 287.919, and 287.920 of this act and the repeal and reenactment of sections 287.690 and 375.1275 of this act shall become effective on January 1, 2025.

Approved July 6, 2023

HCS SCS SB 103

Enacts provisions relating to judicial proceedings, with penalty provisions.

AN ACT to repeal sections 217.785, 475.040, 475.275, 476.055, 485.060, 488.650, 509.520, 565.240, and 595.209, RSMo, and to enact in lieu thereof twenty-nine new sections relating to judicial proceedings, with penalty provisions.

SECTION

- A Enacting clause.
- 210.1360 Minors receiving child care, confidentiality of certain information, exceptions.
- 361.749 Earned wage access services, registration to do business — requirements — prohibited acts — investigations — recordkeeping — rulemaking — sanctions on registration, when — violations, penalty.
- 431.204 Business covenants on employment, customers, and disposing of ownership interest — presumed enforceable, when — modification by court, when.
- 436.550 Citation of law.
- 436.552 Definitions.
- 436.554 Contract requirements.
- 436.556 Prohibited acts.
- 436.558 Predetermined payment to company, amount — limitation on length of contract term.
- 436.560 Disclosures, requirements.
- 436.562 Attorney general, no restriction on exercise of powers and duties — contract void, when.
- 436.564 Assignment of potential proceeds of a legal claim — contract not a loan — priority of liens.
- 436.566 Financial interest in company, restrictions.
- 436.568 Communications not discoverable, when — work-product doctrine and attorney-client privilege not abrogated.
- 436.570 License required, procedure — supervision and enforcement — cease and desist orders, civil penalty — license sanctions, when — examination and investigation of company, when — rulemaking authority.
- 436.572 Discovery, usual rules to apply.
- 475.040 Change of venue.
- 475.275 Verification of securities held by conservator — pooled accounts, defined, restrictions on — examination of pooled accounts, when.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 476.055 Statewide court automation fund created, administration, committee, members — powers, duties, limitation — unauthorized release of information, penalty — report.
- 476.1300 Citation of law — definitions.
- 476.1302 Disclosure by state agency of judicial officer's personal information prohibited, when.
- 476.1304 Disclosure by any person, business, or association of a judicial officer's personal information prohibited, when — sale of information prohibited, when.
- 476.1306 Removal of information upon written privacy request, requirements.
- 476.1308 Violation, injunctive or declaratory relief.
- 476.1310 Written requests for the protection of judicial officer's personal information, requirements — list of requests, maintained and distributed — inapplicability, when.
- 476.1313 Recorder of deeds, duties — compliance and requirements.
- 485.060 Compensation of reporters.
- 509.520 Court records, required redactions — confidential case file sheet, contents.
- 565.240 Unlawful posting of certain information over the internet, offense of — violation, penalty.
- 595.209 Rights of victims and witnesses — written notification, requirements.
- 217.785 Postconviction drug treatment program, established, rules — required participation, completion — institutional phase — report.
- 488.650 Expungement cases under section 610.140, surcharge, amount, waiver.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 217.785, 475.040, 475.275, 476.055, 485.060, 488.650, 509.520, 565.240, and 595.209, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 210.1360, 361.749, 431.204, 436.550, 436.552, 436.554, 436.556, 436.558, 436.560, 436.562, 436.564, 436.566, 436.568, 436.570, 436.572, 475.040, 475.275, 476.055, 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313, 485.060, 509.520, 565.240, and 595.209, to read as follows:

210.1360. MINORS RECEIVING CHILD CARE, CONFIDENTIALITY OF CERTAIN INFORMATION, EXCEPTIONS. — 1. Any personally identifiable information regarding any child under eighteen years of age receiving child care from any provider or applying for or receiving any services through a state program shall not be subject to disclosure except as otherwise provided by law.

2. This section shall not prohibit any state agency from disclosing personally identifiable information to governmental entities or its agents, vendors, grantees, and contractors in connection to matters relating to its official duties. The provisions of this section shall not apply to any state, county, or municipal law enforcement agency acting in its official capacity.

3. This section shall not prevent a parent or legal guardian from accessing the parent's or legal guardian's child's records.

361.749. EARNED WAGE ACCESS SERVICES, REGISTRATION TO DO BUSINESS — REQUIREMENTS — PROHIBITED ACTS — INVESTIGATIONS — RECORDKEEPING — RULEMAKING — SANCTIONS ON REGISTRATION, WHEN — VIOLATIONS, PENALTY. — 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Consumer", any individual;

(2) "Consumer-directed wage access services", the business of offering or providing earned wage access services directly to a consumer based on the consumer's representation and the provider's reasonable determination of the consumer's earned but unpaid income;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(3) "Director", the director of the division of finance within the department of commerce and insurance;

(4) "Division", the Missouri division of finance within the department of commerce and insurance;

(5) "Earned but unpaid income", salary, wages, compensation, or other income that a consumer or an employer has represented, and that a provider has reasonably determined, has been earned or has accrued to the benefit of the consumer in exchange for the consumer's provision of services to the employer or on behalf of the employer, including on an hourly, project-based, piecework, or other basis and including where the consumer is acting as an independent contractor of the employer, but has not, at the time of the payment of proceeds, been paid to the consumer by the employer;

(6) "Earned wage access services", the business of providing consumer-directed wage access services, employer-integrated wage access services, or both;

(7) "Employer":

(a) A person who employs a consumer; or

(b) Any other person who is contractually obligated to pay a consumer earned but unpaid income in exchange for a consumer's provision of services to the employer or on behalf of the employer, including on an hourly, project-based, piecework, or other basis and including where the consumer is acting as an independent contractor with respect to the employer.

"Employer" does not include a customer of an employer or any other person whose obligation to make a payment of salary, wages, compensation, or other income to a consumer is not based on the provision of services by that consumer for or on behalf of such person;

(8) "Employer-integrated wage access services", the business of delivering to consumers access to earned but unpaid income that is based on employment, income, and attendance data obtained directly or indirectly from an employer;

(9) "Fee":

(a) A fee imposed by a provider for delivery or expedited delivery of proceeds to a consumer;

(b) A subscription or membership fee imposed by a provider for a bona fide group of services that includes earned wage access services; or

(c) An amount paid by an employer to a provider on a consumer's behalf, which entitles the consumer to receive proceeds at reduced or no cost to the consumer.

A voluntary tip, gratuity, or donation shall not be deemed a fee;

(10) "Outstanding proceeds", a payment of proceeds to a consumer by a provider that has not yet been repaid to that provider;

(11) "Person", a partnership, corporation, association, sole proprietorship, limited liability company, or nonprofit or governmental entity;

(12) "Proceeds", a payment of funds to a consumer by a provider that is based on earned but unpaid income;

(13) "Provider", a person who is in the business of offering and providing earned wage access services to consumers.

2. (1) No person shall engage in the business of earned wage access services in this state without first registering as an earned wage access services provider with the division.

(2) The annual registration fee shall be one thousand dollars payable to the division as of the first day of July of each year. The division may establish a biennial registration arrangement, but in no case shall the registration fee be payable for more than one year at a time.

(3) Registration shall be made on forms prepared by the director and shall contain the following information:

(a) Name, business address, and telephone number of the earned wage access services provider;

(b) Name and business address of corporate officers and directors or principals or partners;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(c) A sworn statement by an appropriate officer, principal, or partner of the earned wage access services provider that:

- a. The provider is financially capable of engaging in the business of earned wage access services;
- and
- b. If a corporation, that the corporation is authorized to transact business in this state.

If any material change occurs in the information contained in the registration form, a revised statement shall be submitted to the director.

(4) A certificate of registration shall be issued by the director within thirty calendar days after the date on which all registration materials have been received by the director and shall not be assignable or transferable, except as approved by the director.

(5) Each certificate of registration shall remain in full force and effect until surrendered, revoked, or suspended.

3. This section shall not apply to:

(1) A bank or savings and loan association whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation, or a subsidiary of such a bank or savings and loan association;

(2) A credit union doing business in this state; or

(3) A person authorized to make loans or extensions of credit under the laws of this state or the United States, who is subject to regulation and supervision by this state or the United States.

4. Each provider shall:

(1) Develop and implement policies and procedures to respond to questions raised by consumers and address complaints from consumers in an expedient manner;

(2) Before entering into an agreement with a consumer for the provision of earned wage access services, provide a consumer with a written paper or electronic document, which can be included as part of the contract to provide earned wage access services and which meets all of the following requirements:

(a) Informs the consumer of his or her rights under the agreement; and

(b) Fully and clearly discloses all fees associated with the earned wage access services;

(3) Inform the consumer of the fact of any material changes to the terms and conditions of the earned wage access services before implementing those changes for that consumer;

(4) Provide proceeds to a consumer by any means mutually agreed upon by the consumer and provider;

(5) Comply with all local, state, and federal privacy and information security laws;

(6) In any case in which the provider will seek repayment of outstanding proceeds, fees, or other payments, including voluntary tips, gratuities, or other donations from a consumer's account at a depository institution and including via electronic funds transfer:

(a) Comply with applicable provisions of the federal Electronic Funds Transfer Act and its implementing regulations; and

(b) Reimburse the consumer for the full amount of any overdraft or nonsufficient funds fees imposed on a consumer by the consumer's depository institution that were caused by the provider attempting to seek payment of any outstanding proceeds, fees, voluntary tips, gratuities, or other donations on a date before, or in an incorrect amount from, the date or amount disclosed to the consumer.

The provisions of this subdivision shall not apply with respect to payments of outstanding proceeds, fees, tips, gratuities, or other donations incurred by a consumer through fraudulent or other means; and

(7) If a provider solicits, charges, or receives a tip, gratuity, or donation from a consumer:

(a) Clearly and conspicuously disclose to the consumer immediately prior to each transaction that a tip, gratuity, or donation amount may be zero and is voluntary;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(b) Clearly and conspicuously disclose in its service contract with the consumer and elsewhere that tips, gratuities, or donations are voluntary and that the offering of earned wage access services, including the amount of the proceeds a consumer is eligible to request and the frequency with which proceeds are provided to a consumer, is not contingent on whether the consumer pays any tip, gratuity, or donation or on the size of any tip, gratuity, or donation;

(c) Refrain from misleading or deceiving consumers about the voluntary nature of such tips, gratuities, or donations; and

(d) Refrain from making representations that tips or gratuities will benefit any specific, individual person.

5. A provider shall not:

(1) Share with an employer any fees, voluntary tips, gratuities, or other donations that were received from or charged to a consumer for earned wage access services;

(2) Charge interest for failure to repay outstanding proceeds, fees, voluntary tips, gratuities, or other donations;

(3) Report any information about the consumer regarding the inability of the provider to be repaid outstanding proceeds, fees, voluntary tips, gratuities, or other donations to a consumer credit reporting agency or a debt collector;

(4) Require a consumer's credit report or credit score to determine a consumer's eligibility for earned wage access services;

(5) Accept payment from a consumer of outstanding proceeds, fees, voluntary tips, gratuities, or other donations via credit card or charge card; or

(6) Compel or attempt to compel repayment by a consumer of outstanding proceeds, fees, voluntary tips, gratuities, or other donations through any of the following means:

(a) A suit against the consumer in a court of competent jurisdiction;

(b) Use of a third party to pursue collection from the consumer on the provider's behalf; or

(c) Sale of outstanding amounts to a third-party collector or debt buyer for collection from the consumer.

The provisions of this subdivision shall not apply to payments of outstanding proceeds, fees, tips, gratuities, or other donations incurred by a consumer through fraudulent or other means or preclude a provider from pursuing an employer for breach of its contractual obligations to the provider.

6. For purposes of the laws of this state:

(1) Earned wage access services offered and provided by a registered provider shall not be considered to be any of the following:

(a) A violation of or noncompliance with the laws governing the sale or assignment of or an order for earned but unpaid income;

(b) A loan or other form of credit, and the provider shall not be considered a creditor or a lender;

(c) Money transmission, and the provider shall not be considered a money transmitter;

(2) Fees, voluntary tips, gratuities, or other donations shall not be considered interest or finance charges.

7. The director, or his or her duly authorized representative, may make such investigation as is deemed necessary and, to the extent necessary for this purpose, may examine the registrant or any other person having personal knowledge of the matters under investigation, and shall have the power to compel the production of all relevant books, records, accounts, and documents by registrants.

8. (1) An earned wage access services provider shall maintain records of its earned wage access services transactions and shall preserve its records for at least two years after the final date on which it provides proceeds to a consumer.

(2) Records required by this section may be maintained electronically.

9. The division may promulgate rules as may be necessary for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

10. (1) Any provider registered pursuant to this section who fails, refuses, or neglects to comply with the provisions of this section or commits any criminal act may have its registration suspended or revoked by the director, after a hearing before the director on an order of the director to show cause why such order of suspension or revocation should not be entered specifying the grounds therefor, which shall be served on the registrant at least ten days prior to the hearing.

(2) Whenever it shall appear to the director that any provider registered pursuant to this section is failing, refusing, or neglecting to make a good faith effort to comply with the provisions of this section, the director may issue an order to cease and desist, which order may be enforceable by a civil penalty of not more than one thousand dollars per day for each day that the neglect, failure, or refusal shall continue. The penalty shall be assessed and collected by the director. In determining the amount of the penalty, the director shall take into account the appropriateness of the penalty with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

11. All revenues collected by or paid to the director pursuant to this section shall be forwarded immediately to the director of revenue, who shall deposit them in the division of finance fund.

12. Any earned wage access services provider knowingly and willfully violating the provisions of this section shall be guilty of a class A misdemeanor.

13. If there is a conflict between the provisions of this section and any other state statute, the provisions of this section shall control.

431.204. BUSINESS COVENANTS ON EMPLOYMENT, CUSTOMERS, AND DISPOSING OF OWNERSHIP INTEREST — PRESUMED ENFORCEABLE, WHEN — MODIFICATION BY COURT, WHEN. — 1. A reasonable covenant in writing promising not to solicit, recruit, hire, induce, persuade, encourage, or otherwise interfere with, directly or indirectly, the employment of one or more employees or owners of a business entity shall be presumed to be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031 if it is between a business entity and the owner of the business entity and does not continue for more than two years following the end of the owner's business relationship with the business entity.

2. A reasonable covenant in writing promising not to solicit, induce, direct, or otherwise interfere with, directly or indirectly, a business entity's customers, including any reduction, termination, or transfer of any customer's business, in whole or in part, for the purposes of providing any product or any service that is competitive with those provided by the business entity shall be presumed to be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031 if the covenant is limited to customers with whom the owner dealt and if the covenant is between a business entity and an owner, so long as the covenant does not continue for more than five years following the end of the owner's business relationship with the business entity.

3. A provision in writing by which an owner promises to provide prior notice of the owner's intent to terminate, sell, or otherwise dispose of such owner's ownership interest in the business entity shall be presumed to be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031.

4. If a covenant is overbroad, overlong, or otherwise not reasonably necessary to protect the protectable business interests of the business entity seeking enforcement of the covenant, a court shall

modify the covenant, enforce the covenant as modified, and grant only the relief reasonably necessary to protect such interests.

5. Nothing in this section is intended to create or to affect the validity or enforceability of covenants not to compete, other types of covenants, or nondisclosure or confidentiality agreements, except as expressly provided in this section.

6. Except as provided in subsection 3 of this section, nothing in this section shall be construed to limit an owner's ability to seek or accept employment with another business entity immediately upon, or at any time subsequent to, termination of the owner's business relationship with the business entity, whether such termination was voluntary or nonvoluntary.

436.550. CITATION OF LAW. — Sections 436.550 to 436.572 shall be known and may be cited as the "Consumer Legal Funding Act".

436.552. DEFINITIONS. — As used in sections 436.550 to 436.572, the following terms mean:

(1) "Advertise", publishing or disseminating any written, electronic, or printed communication or any communication by means of recorded telephone messages or transmitted on radio, television, the internet, or similar communications media, including film strips, motion pictures, and videos, published, disseminated, circulated, or placed before the public, directly or indirectly, for the purpose of inducing a consumer to enter into a consumer legal funding contract;

(2) "Affiliate", as defined in section 515.505;

(3) "Charges", the amount of moneys to be paid to the consumer legal funding company by or on behalf of the consumer above the funded amount provided by or on behalf of the company to a consumer under sections 436.550 to 436.572. Charges include all administrative, origination, underwriting, or other fees, no matter how denominated;

(4) "Consumer", a natural person who has a legal claim and resides or is domiciled in Missouri;

(5) "Consumer legal funding company" or "company", a person or entity that enters into a consumer legal funding contract with a consumer for an amount less than five hundred thousand dollars. The term shall not include:

(a) An immediate family member of the consumer;

(b) A bank, lender, financing entity, or other special purpose entity;

a. That provides financing to a consumer legal funding company; or

b. To which a consumer legal funding company grants a security interest or transfers any rights or interest in a consumer legal funding; or

(c) An attorney or accountant who provides services to a consumer;

(6) "Consumer legal funding contract", a nonrecourse contractual transaction in which a consumer legal funding company purchases and a consumer assigns to the company a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award, or verdict obtained in the consumer's legal claim, so long as all of the following apply:

(a) The consumer, at their sole discretion, shall use the funds to address personal needs or household expenses;

(b) The consumer shall not use the funds to pay for attorneys' fees, legal filings, legal marketing, legal document preparation or drafting, appeals, expert testimony, or other litigation-related expenses;

(7) "Director", the director of the division of finance within the department of commerce and insurance;

(8) "Division", the division of finance within the department of commerce and insurance;

(9) "Funded amount", the amount of moneys provided to or on behalf of the consumer in the consumer legal funding contract. "Funded amount" shall not include charges;

(10) "Funding date", the date on which the funded amount is transferred to the consumer by the consumer legal funding company either by personal delivery, via wire, automated clearing house transfer, or other electronic means, or by insured, certified, or registered United States mail;

(11) "Immediate family member", a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent; or grandchild;

(12) "Legal claim", a bona fide civil claim or cause of action;

(13) "Medical provider", any person or business providing medical services of any kind to a consumer including, but not limited to, physicians, nurse practitioners, hospitals, physical therapists, chiropractors, or radiologists as well as any of their employees or contractors or any practice groups, partnerships, or incorporations of the same;

(14) "Resolution date", the date the amount funded to the consumer, plus the agreed-upon charges, is delivered to the consumer legal funding company.

436.554. CONTRACT REQUIREMENTS. — 1. All consumer legal funding contracts shall meet the following requirements:

(1) The contract shall be completely filled in when presented to the consumer for signature;

(2) The contract shall contain, in bold and boxed type, a right of rescission allowing the consumer to cancel the contract without penalty or further obligation if, within ten business days after the funding date, the consumer either:

(a) Returns the full amount of the disbursed funds to the consumer legal funding company by delivering the company's uncashed check to the company's office in person; or

(b) Mails a notice of cancellation by insured, certified, or registered United States mail to the address specified in the contract and includes a return of the full amount of disbursed funds in such mailing in the form of the company's uncashed check or a registered or certified check or money order;

(3) The contract shall contain the initials of the consumer on each page; and

(4) The contract shall require the consumer to give nonrevocable written direction to the consumer's attorney requiring the attorney to notify the consumer legal funding company when the legal claim has been resolved. Once the consumer legal funding company confirms in writing the amount due under the contract, the consumer's attorney shall pay, from the proceeds of the resolution of the legal claim, the consumer legal funding company the amount due within ten business days.

2. The consumer legal funding company shall provide the consumer's attorney with a written notification of the consumer legal funding contract provided to the consumer within three business days of the funding date by way of postal mail, courier service, facsimile, or other means of proof of delivery method.

3. A consumer legal funding contract shall be entered into only if the contract involves an existing legal claim in which the consumer is represented by an attorney.

436.556. PROHIBITED ACTS. — No consumer legal funding company shall:

(1) Pay or offer to pay commissions, referral fees, or other forms of consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees for referring a consumer to the company;

(2) Accept any commissions, referral fees, rebates, or other forms of consideration from an attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees;

(3) Intentionally advertise materially false or misleading information regarding its products or services;

(4) Refer, in furtherance of an initial legal funding, a customer or potential customer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees. However, the company may refer the customer to a local or state bar association referral service if a customer needs legal representation;

(5) Fail to promptly supply a copy of the executed contract to the consumer's attorney;

(6) Knowingly provide funding to a consumer who has previously assigned or sold a portion of the right to proceeds from the consumer's legal claim unless the consumer legal funding company pays or purchases the entire unsatisfied funded amount and contracted charges from the prior consumer legal funding company or the two companies agree to a lesser amount in writing. However, multiple companies may agree to contemporaneously provide funding to a consumer, provided that the consumer and the consumer's attorney consent to the arrangement in writing;

(7) Receive any right to or make any decisions with respect to the conduct of the underlying legal claim or any settlement or resolution thereof. The right to make such decisions shall remain solely with the consumer and the attorney in the legal claim;

(8) Knowingly pay or offer to pay for court costs, filing fees, or attorney's fees either during or after the resolution of the legal claim by using funds from the consumer legal funding contract. The consumer legal funding contract shall include a provision advising the consumer that the funding shall not be used for such costs or fees; or

(9) Sell a consumer litigation funding contract in whole or in part to a third party. However, if the consumer legal funding company retains responsibility for collecting payment, administering, and otherwise enforcing the consumer legal funding contract, the provisions of this subdivision shall not apply to any of the following:

(a) An assignment to a wholly owned subsidiary of the consumer legal funding company;

(b) An assignment to an affiliate of the consumer legal funding company that is under common control;

(c) The granting of a security interest under Article 9 of the Uniform Commercial Code, or as otherwise permitted by law.

436.558. PREDETERMINED PAYMENT TO COMPANY, AMOUNT — LIMITATION ON LENGTH OF CONTRACT TERM. — 1. The contracted amount to be paid to the consumer legal funding company shall be set as a predetermined amount based upon intervals of time from the funding date to the resolution date and shall not be determined as a percentage of the recovery from the legal claim.

2. No consumer legal funding contract shall be valid if its terms exceed a period of forty-eight months. No consumer legal funding contract shall be automatically renewed.

436.560. DISCLOSURES, REQUIREMENTS. — All consumer legal funding contracts shall contain the disclosures specified in this section, which shall constitute material terms of the contract. Unless otherwise specified, the disclosures shall be typed in at least twelve-point bold-type font and be placed clearly and conspicuously within the contract, as follows:

(1) On the front page under appropriate headings, language specifying:

(a) The funded amount to be paid to the consumer by the consumer legal funding company;

(b) An itemization of one-time charges;

(c) The total amount to be assigned by the consumer to the company, including the funded amount and all charges; and

(d) A payment schedule to include the funded amount and charges, listing all dates and the amount due at the end of each six-month period from the funding date until the date the maximum amount due to the company by the consumer to satisfy the amount due pursuant to the contract;

(2) Within the body of the contract, in accordance with the provisions under subdivision (2) of subsection 1 of section 436.554: "Consumer's Right to Cancellation: You may cancel this contract without penalty or further obligation within ten business days after the funding date if you either:

(a) Return the full amount of the disbursed funds to the consumer legal funding company by delivering the company's uncashed check to the company's office in person; or

(b) Mail a notice of cancellation by insured, certified, or registered United States mail to the company at the address specified in the contract and include a return of the full amount of disbursed funds in such mailing in the form of the company's uncashed check or a registered or certified check or money order.";

(3) Within the body of the contract, a statement that the company has no influence over any aspect of the consumer's legal claim or any settlement or resolution of the consumer's legal claim and that all decisions related to the consumer's legal claim remain solely with the consumer and the consumer's attorney;

(4) Within the body of the contract, in all capital letters and in at least twelve-point bold-type font contained within a box: "THE FUNDED AMOUNT AND AGREED-UPON CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. IF THERE IS NO RECOVERY OF ANY DAMAGES FROM YOUR LEGAL CLAIM OR IF THERE IS NOT ENOUGH MONEY TO PAY BACK THE CONSUMER LEGAL FUNDING COMPANY IN FULL, YOU WILL NOT BE OBLIGATED TO PAY THE CONSUMER LEGAL FUNDING COMPANY ANYTHING IN EXCESS OF YOUR RECOVERY UNLESS YOU HAVE VIOLATED THIS CONTRACT. YOU WILL NOT OWE (INSERT NAME OF THE CONSUMER LEGAL FUNDING COMPANY) ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM UNLESS YOU OR YOUR ATTORNEY HAVE VIOLATED ANY MATERIAL TERM OF THIS CONTRACT OR UNLESS YOU HAVE COMMITTED FRAUD AGAINST THE CONSUMER LEGAL FUNDING COMPANY."; and

(5) Located immediately above the place on the contract where the consumer's signature is required, in twelve-point font: "Do not sign this contract before you read it completely or if it contains any blank spaces. You are entitled to a completely filled-in copy of the contract. Before you sign this contract, you should obtain the advice of an attorney. Depending on the circumstances, you may want to consult a tax, public or private benefits planning, or financial professional. You acknowledge that your attorney in the legal claim has provided no tax, public or private benefit planning, or financial advice regarding this transaction.".

436.562. ATTORNEY GENERAL, NO RESTRICTION ON EXERCISE OF POWERS AND DUTIES — CONTRACT VOID, WHEN. — 1. Nothing in sections 436.550 to 436.572 shall be construed to restrict the exercise of powers or the performance of the duties of the state attorney general that he or she is authorized to exercise or perform by law.

2. If a court of competent jurisdiction determines that a consumer legal funding company has intentionally violated the provisions of sections 436.550 to 436.572 in a consumer legal funding contract, the consumer legal funding contract shall be voided.

436.564. ASSIGNMENT OF POTENTIAL PROCEEDS OF A LEGAL CLAIM — CONTRACT NOT A LOAN — PRIORITY OF LIENS. — 1. The contingent right to receive an amount of the potential proceeds of a legal claim is assignable.

2. Nothing contained in sections 436.550 to 436.572 shall be construed to cause any consumer legal funding contract conforming to sections 436.550 to 436.572 to be deemed a loan or to be subject to any of the provisions governing loans. A consumer legal funding contract that complies with sections 436.550 to 436.572 is not subject to any other statutory or regulatory provisions governing loans or investment contracts. To the extent that sections 436.550 to 436.572 conflict with any other law, such sections shall supersede the other law for the purposes of regulating consumer legal funding in this state.

3. Only attorney's liens related to the legal claim, Medicare, or other statutory liens related to the legal claim shall take priority over claims to proceeds from the consumer legal funding company. All other liens and claims shall take priority by normal operation of law.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

4. No consumer legal funding company shall report a consumer to a credit reporting agency if insufficient funds remain from the net proceeds to repay the company.

436.566. FINANCIAL INTEREST IN COMPANY, RESTRICTIONS. — An attorney or law firm retained by the consumer in the legal claim shall not have a financial interest in the consumer legal funding company offering consumer legal funding to that consumer. Additionally, any practicing attorney who has referred the consumer to his or her retained attorney shall not have a financial interest in the consumer legal funding company offering consumer legal funding to that consumer.

436.568. COMMUNICATIONS NOT DISCOVERABLE, WHEN — WORK-PRODUCT DOCTRINE AND ATTORNEY-CLIENT PRIVILEGE NOT ABROGATED. — No communication between the consumer's attorney in the legal claim and the consumer legal funding company necessary to ascertain the status of a legal claim or a legal claim's expected value shall be discoverable by a party with whom the claim is filed or against whom the claim is asserted. This section does not limit, waive, or abrogate the scope or nature of any statutory or common-law privilege, including the work-product doctrine and attorney-client privilege.

436.570. LICENSE REQUIRED, PROCEDURE — SUPERVISION AND ENFORCEMENT — CEASE AND DESIST ORDERS, CIVIL PENALTY — LICENSE SANCTIONS, WHEN — EXAMINATION AND INVESTIGATION OF COMPANY, WHEN — RULEMAKING AUTHORITY. — 1. A consumer legal funding company shall not engage in the business of consumer legal funding in this state unless it has first obtained a license from the division of finance.

2. A consumer legal funding company's initial or renewal license application shall be in writing, made under oath, and on a form provided by the director.

3. Every consumer legal funding company, at the time of filing a license application, shall pay the sum of five hundred fifty dollars for the period ending the thirtieth day of June next following the date of payment; thereafter, a like fee shall be paid on or before June thirtieth of each year and shall be credited to the division of finance fund established under section 361.170.

4. A consumer legal funding license shall not be issued unless the division of finance, upon investigation, finds that the character and fitness of the applicant company, and of the officers and directors thereof, are such as to warrant belief that the business shall operate honestly and fairly within the purposes of sections 436.550 to 436.572.

5. Every applicant shall also, at the time of filing such application, file a bond satisfactory to the division of finance in an amount not to exceed fifty thousand dollars. The bond shall provide that the applicant shall faithfully conform to and abide by the provisions of sections 436.550 to 436.572, to all rules lawfully made by the director under sections 436.550 to 436.572, and the bond shall act as a surety for any person or the state for any and all amount of moneys that may become due or owing from the applicant under and by virtue of sections 436.550 to 436.572, which shall include the result of any action that occurred while the bond was in place for the applicable period of limitations under statute and so long as the bond is not exhausted by valid claims.

6. If an action is commenced on a licensee's bond, the director may require the filing of a new bond. Immediately upon any recovery on the bond, the licensee shall file a new bond.

7. To ensure the effective supervision and enforcement of sections 436.550 to 436.572, the director may, under chapter 536:

(1) Deny, suspend, revoke, condition, or decline to renew a license for a violation of sections 436.550 to 436.572, rules issued under sections 436.550 to 436.572, or order or directive entered under sections 436.550 to 436.572;

(2) Deny, suspend, revoke, condition, or decline to renew a license if an applicant or licensee fails at any time to meet the requirements of sections 436.550 to 436.572, or withholds information or makes a material misstatement in an application for a license or renewal of a license;

(3) Order restitution against persons subject to sections 436.550 to 436.572 for violations of sections 436.550 to 436.572; and

(4) Order or direct such other affirmative action as the director deems necessary.

8. Any letter issued by the director and declaring grounds for denying or declining to grant or renew a license may be appealed to the circuit court of Cole County. All other matters presenting a contested case involving a licensee may be heard by the director under chapter 536.

9. Notwithstanding the prior approval requirement of subsection 1 of this section, a consumer legal funding company that has applied with the division of finance between the effective date of sections 436.550 to 436.572, or when the division of finance has made applications available to the public, whichever is later, and six months thereafter may engage in consumer legal funding while the license application of the company or an affiliate of the company is awaiting approval by the division of finance and until such time as the applicant has pursued all appellate remedies and procedures for any denial of such application. All funding contracts in effect prior to the effective date of sections 436.550 to 436.572 are not subject to the terms of sections 436.550 to 436.572.

10. If it appears to the director that any consumer legal funding company is failing, refusing, or neglecting to make a good faith effort to comply with the provisions of sections 436.550 to 436.572, or any laws or rules relating to consumer legal funding, the director may issue an order to cease and desist, which may be enforceable by a civil penalty of not more than one thousand dollars per day for each day that the neglect, failure, or refusal continues. The penalty shall be assessed and collected by the director. In determining the amount of the penalty, the director shall take into account the appropriateness of the penalty with respect to the gravity of the violation, any history of previous violations, and any other matters justice may require.

11. If any consumer legal funding company fails, refuses, or neglects to comply with the provisions of sections 436.550 to 436.572, or of any laws or rules relating to consumer legal funding, its license may be suspended or revoked by order of the director after a hearing before said director on any order to show cause why such order of suspension or revocation should not be entered and that specifies the grounds therefor. Such an order shall be served on the particular consumer legal funding company at least ten days prior to the hearing. Any order made and entered by the director may be appealed to the circuit court of Cole County.

12. (1) The division shall conduct an examination of each consumer funding company at least once every twenty-four months and at such other times as the director may determine.

(2) For any such investigation or examination, the director and his or her representatives shall have free and immediate access to the place or places of business and the books and records, and shall have the authority to place under oath all persons whose testimony may be required relative to the affairs and business of the consumer legal funding company.

(3) The director may also make such special investigations or examination as the director deems necessary to determine whether any consumer legal funding company has violated any of the provisions of sections 436.550 to 436.572 or rules promulgated thereunder, and the director may assess the reasonable costs of any investigation or examination incurred by the division to the company.

13. The division of finance shall have the authority to promulgate rules to carry out the provisions of sections 436.550 to 436.572. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are

subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

436.572. DISCOVERY, USUAL RULES TO APPLY. — A consumer legal funding contract is a fact subject to the usual rules of discovery.

475.040. CHANGE OF VENUE. — If it appears to the court, acting on the petition of the guardian, the conservator, the respondent or of a ward over the age of fourteen, or on its own motion, at any time before the termination of the guardianship or conservatorship, that the proceeding was commenced in the wrong county, or that the domicile [or residence] of the ward or protectee has [been] changed to another county, or in case of conservatorship of the estate that it would be for the best interest of the ward or disabled person and his estate, the court may order the proceeding with all papers, files and a transcript of the proceedings transferred to the probate division of the circuit court of another county. The court to which the transfer is made shall take jurisdiction of the case, place the transcript of record and proceed to the final settlement of the case as if the appointment originally had been made by it.

475.275. VERIFICATION OF SECURITIES HELD BY CONSERVATOR — POOLED ACCOUNTS, DEFINED, RESTRICTIONS ON — EXAMINATION OF POOLED ACCOUNTS, WHEN. — 1. The conservator, at the time of filing any settlement with the court, shall exhibit all securities or investments held by him to an officer of the bank or other depository wherein the securities or investments are held for safekeeping or to an authorized representative of the corporation which is surety on his bond, or to the judge or clerk of a court of record in this state, or upon request of the conservator or other interested party, to any other reputable person designated by the court, who shall certify in writing that he has examined the securities or investments and identified them with those described in the account and shall note any omission or discrepancies. If the depository is the conservator, the certifying officer shall not be the officer verifying the account. The conservator may exhibit the securities or investments to the judge of the court, who shall endorse on the account and copy thereof, a certificate that the securities or investments shown therein as held by the conservator were each in fact exhibited to him and that those exhibited to him were the same as those in the account and noting any omission or discrepancy. The certificate, and the certificate of an official of the bank in which are deposited any funds for which the conservator is accountable, showing the amount on deposit, shall be prepared and signed in duplicate and one of each shall be filed by the conservator with his account.

2. (1) As used in and pursuant to this section, a "pooled account" is an account within the meaning of this section and means any account maintained by a fiduciary for more than one principal and is established for the purpose of managing and investing and to manage and invest the funds of such principals. No fiduciary shall or may place funds into a pooled account unless the account meets the following criteria:

- (a) The pooled account is maintained at a bank or savings and loan institution;
- (b) The pooled account is titled in such a way as to reflect that the account is being held by a fiduciary in a custodial capacity;
- (c) The fiduciary maintains, or causes to be maintained, records containing information as to the name and ownership interest of each principal in the pooled account;
- (d) The fiduciary's records contain a statement of all accretions and disbursements; and
- (e) The fiduciary's records are maintained in the ordinary course of business and in good faith.

(2) The public administrator of any county [with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants] serving as a conservator or personal representative and using and utilizing pooled accounts for the investing[, investment,] and management of [conservatorship] estate funds shall have any such accounts [audited] examined on at least an annual basis [and no less than one time per year] by an independent certified public accountant.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter underscored is proposed language.

[The audit provided shall review the records of the receipts and disbursements of each estate account. Upon completion of the investigation, the certified public accountant shall render a report to the judge of record in this state showing the receipts, disbursements, and account balances as to each estate and as well as the total assets on deposit in the pooled account on the last calendar day of each year.] The examination shall:

(a) Compare the pooled account's year-end bank statement and obtain the reconciliation of the pooled account from the bank statement to the fiduciary's general ledger balance on the same day;

(b) Reconcile the total of individual accounts in the fiduciary's records to the reconciled pooled account's balance and note any difference;

(c) Confirm if collateral is pledged to secure amounts on deposit in the pooled account in excess of Federal Deposit Insurance Corporation coverage; and

(d) Confirm the account balance with the financial institution.

(3) A public administrator using and utilizing pooled accounts as provided by this section shall certify by affidavit that he or she has met the conditions for establishing a pooled account as set forth in subdivision (2) of this subsection.

(4) The county shall provide for the expense of [such audit] the report. If and where the public administrator has provided the judge with [the audit] the report pursuant to and required by this subsection and section, the public administrator shall not be required to obtain the written [certification] verification of an officer of a bank or other depository on any estate asset maintained within the pooled account as otherwise required in and under subsection 1 of this section.

476.055. STATEWIDE COURT AUTOMATION FUND CREATED, ADMINISTRATION, COMMITTEE, MEMBERS — POWERS, DUTIES, LIMITATION — UNAUTHORIZED RELEASE OF INFORMATION, PENALTY — REPORT. — 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2023, shall be transferred to general revenue].

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, two employees who work full-time in a municipal division of a circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate, the executive director of the Missouri office of prosecution services, the director of the state public defender system, and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and

implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class E felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee; and
- (4) The chair of the senate judiciary committee.

8. [Section 488.027 shall expire on September 1, 2023.] The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section[, but shall complete its duties prior to September 1, 2025].

9. This section shall expire on September 1, 2025].

476.1300. CITATION OF LAW — DEFINITIONS. — 1. Sections 476.1300 to 476.1310 shall be known and may be cited as the "Judicial Privacy Act".

2. As used in sections 476.1300 to 476.1310, the following terms mean:

(1) "Government agency", all agencies, authorities, boards, commissions, departments, institutions, offices, and any other bodies politic and corporate of the state created by the constitution or statute, whether in the executive, judicial, or legislative branch; all units and corporate outgrowths created by executive order of the governor or any constitutional officer, by the supreme court, or by resolution of the general assembly; agencies, authorities, boards, commissions, departments, institutions, offices, and any other bodies politic and corporate of a political subdivision, including school districts; and any public governmental body as that term is defined in section 610.010;

(2) "Home address", a judicial officer's permanent residence and any secondary residences affirmatively identified by the judicial officer, but does not include a judicial officer's work address;

(3) "Immediate family", a judicial officer's spouse, child, adoptive child, foster child, parent, or any unmarried companion of the judicial officer or other familial relative of the judicial officer or the judicial officer's spouse who lives in the same residence;

(4) "Judicial officer", actively employed, formerly employed, or retired:

(a) Justices of the Supreme Court of the United States;

(b) Judges of the United States Court of Appeals;

(c) Judges and magistrate judges of the United States District Courts;

(d) Judges of the United States Bankruptcy Court;

(e) Judges of the Missouri supreme court;

(f) Judges of the Missouri court of appeals;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(g) Judges and commissioners of the Missouri circuit courts, including of the divisions of a circuit court; and

(h) Prosecuting or circuit attorney, or assistant prosecuting or circuit attorney;

(5) "Personal information", a home address, home telephone number, mobile telephone number, pager number, personal email address, Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, and identity of children under eighteen years of age;

(6) "Publicly available content", any written, printed, or electronic document or record that provides information or that serves as a document or record maintained, controlled, or in the possession of a government agency that may be obtained by any person or entity, from the internet, from the government agency upon request either free of charge or for a fee, or in response to a request pursuant to chapter 610 or the federal Freedom of Information Act, 5 U.S.C. Section 552, as amended;

(7) "Publicly post or display", to communicate to another or to otherwise make available to the general public;

(8) "Written request", written or electronic notice signed by:

(a) A state judicial officer and submitted to the clerk of the Missouri supreme court or the clerk's designee; or

(b) A federal judicial officer and submitted to that judicial officer's clerk of the court or the clerk's designee;

that is transmitted by the applicable clerk to a government agency, person, business, or association to request such government agency, person, business, or association refrain from posting or displaying publicly available content that includes the judicial officer's personal information.

476.1302. DISCLOSURE BY STATE AGENCY OF JUDICIAL OFFICER'S PERSONAL INFORMATION PROHIBITED, WHEN. — 1. A government agency shall not publicly post or display publicly available content that includes a judicial officer's personal information, provided that the government agency has received a written request that the agency refrain from disclosing the judicial officer's personal information. After a government agency has received a written request, the government agency shall remove the judicial officer's personal information from publicly available content within five business days. After the government agency has removed the judicial officer's personal information from publicly available content, the government agency shall not publicly post or display the judicial officer's personal information and the judicial officer's personal information shall be exempted from the provisions of chapter 610, unless the government agency has received written consent from the judicial officer to make the personal information available to the public.

2. If a government agency fails to comply with a written request to refrain from disclosing personal information, the judicial officer may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees to the judicial officer.

3. The provisions of subsection 1 of this section shall not apply to any government agency created under section 43.020.

476.1304. DISCLOSURE BY ANY PERSON, BUSINESS, OR ASSOCIATION OF A JUDICIAL OFFICER'S PERSONAL INFORMATION PROHIBITED, WHEN — SALE OF INFORMATION PROHIBITED, WHEN. — 1. No person, business, or association shall publicly post or display on the internet publicly available content that includes a judicial officer's personal information, provided that the judicial officer has made a written request to the person, business, or association that it refrain from disclosing the personal information.

2. No person, business, or association shall solicit, sell, or trade on the internet a judicial officer's personal information for purposes of tampering with a judicial officer in violation of section 575.095 or with the intent to pose an imminent and serious threat to the health and safety of the judicial officer or the judicial officer's immediate family.

3. As prohibited in this section, persons, businesses, or associations posting, displaying, soliciting, selling, or trading a judicial officer's personal information on the internet includes, but is not limited to, internet phone directories, internet search engines, internet data aggregators, and internet service providers.

476.1306. REMOVAL OF INFORMATION UPON WRITTEN PRIVACY REQUEST, REQUIREMENTS. — 1. After a person, business, or association has received a written request from a judicial officer to protect the privacy of the officer's personal information, that person, business, or association shall have five business days to remove the personal information from the internet.

2. After a person, business, or association has received a written request from a judicial officer, that person, business, or association shall ensure that the judicial officer's personal information is not made available on any website or subsidiary website controlled by that person, business, or association.

3. After receiving a judicial officer's written request, no person, business, or association shall make available the judicial officer's personal information to any other person, business, or association through any medium.

476.1308. VIOLATION, INJUNCTIVE OR DECLARATORY RELIEF. — A judicial officer whose personal information is made public as a result of a violation of sections 476.1304 to 476.1306 may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the person, business, or association responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney's fees.

476.1310. WRITTEN REQUESTS FOR THE PROTECTION OF JUDICIAL OFFICER'S PERSONAL INFORMATION, REQUIREMENTS — LIST OF REQUESTS, MAINTAINED AND DISTRIBUTED — INAPPLICABILITY, WHEN. — 1. No government agency, person, business, or association shall be found to have violated any provision of sections 476.1300 to 476.1310 if the judicial officer fails to submit a written request calling for the protection of the judicial officer's personal information.

2. A written request shall be valid if:

(1) The judicial officer sends a written request directly to a government agency, person, business, or association; or

(2) The judicial officer complies with a Missouri supreme court rule for a state judicial officer to file the written request with the clerk of the Missouri supreme court or the clerk's designee to notify government agencies and such notice is properly delivered by mail or electronic format.

3. In each quarter of a calendar year, the clerk of the Missouri supreme court or the clerk's designee shall provide a list of all state judicial officers who have submitted a written request under this section to the appropriate officer with ultimate supervisory authority for a government agency. The officer shall promptly provide a copy of the list to all government agencies under his or her supervision. Receipt of the written request list compiled by the clerk of the Missouri supreme court or the clerk's designee by a government agency shall constitute a written request to that government agency for the purposes of sections 476.1300 to 476.1310.

4. The chief clerk or circuit clerk of the court where the judicial officer serves may submit a written request on the judicial officer's behalf, provided that the judicial officer gives written consent to the clerk and provided that the clerk agrees to furnish a copy of that consent when a written request is made. The chief clerk or circuit clerk shall submit the written request as provided by subsection 2 of this section.

5. A judicial officer's written request shall specify what personal information shall be maintained as private. If a judicial officer wishes to identify a secondary residence as a home address, the designation shall be made in the written request. A judicial officer shall disclose the identity of his or her immediate family and indicate that the personal information of those members of the immediate family shall also be excluded to the extent that it could reasonably be expected to reveal the personal information of the judicial officer. A judicial officer shall make reasonable efforts to identify specific publicly available content in the possession of a government agency.

6. A judicial officer's written request is valid until the judicial officer provides the government agency, person, business, or association with written consent to release the personal information. A judicial officer's written request expires on such judicial officer's death.

7. The provisions of sections 476.1300 to 476.1310 shall not apply to any disclosure of personal information of a judicial officer or a member of a judicial officer's immediate family as required by Article VIII, Section 23 of the Missouri Constitution, sections 105.470 to 105.482, section 105.498, and chapter 130.

476.1313. RECORDER OF DEEDS, DUTIES — COMPLIANCE AND REQUIREMENTS. — 1. Notwithstanding any other provision of law to the contrary, a recorder of deeds shall meet the requirements of the provisions of sections 476.1300 to 476.1310 by complying with this section. As used in this section, the following terms mean:

(1) "Eligible documents", documents or instruments that are maintained by and located in the office of the recorder of deeds that are accessed electronically;

(2) "Immediate family", shall have the same meaning as in section 476.1300;

(3) "Indexes", indexes maintained by and located in the office of the recorder of deeds that are accessed electronically;

(4) "Judicial officer", shall have the same meaning as in section 476.1300;

(5) "Recorder of deeds", shall have the same meaning as in section 59.005;

(6) "Shield", "shielded", or "shielding", a prohibition against the general public's electronic access to eligible documents and the unique identifier and recording date contained in indexes for eligible documents;

(7) "Written request", written or electronic notice signed by:

(a) A state judicial officer and submitted to the clerk of the Missouri supreme court or the clerk's designee; or

(b) A federal judicial officer and submitted to that judicial officer's clerk of the court or the clerk's designee;

that is transmitted electronically by the applicable clerk to a recorder of deeds to request that eligible documents be shielded.

2. Written requests transmitted to a recorder of deeds shall only include information specific to eligible documents maintained by that county. Any written request transmitted to a recorder of deeds shall include the requesting judicial officer's full legal name or legal alias and a document locator number for each eligible document for which the judicial officer is requesting shielding. If the judicial officer is not a party to the instrument but is requesting shielding for an eligible document in which an immediate family member is a party to the instrument, the full legal name or legal alias of the immediate family member shall also be provided.

3. Not more than five business days after the date on which the recorder of deeds receives the written request, the recorder of deeds shall shield the eligible documents listed in the written request. Within five business days of receipt, the recorder of deeds shall electronically reply to the written request with a list of any document locator numbers submitted under subsection 2 of this section not found in the records maintained by that recorder of deeds.

4. If the full legal name or legal alias of the judicial officer or immediate family member provided does not appear on an eligible document listed in the written request, the recorder of deeds may electronically reply to the written request with this information. The recorder of deeds may delay shielding such eligible document until electronic confirmation is received from the applicable court clerk or judicial officer.

5. In order to shield subsequent eligible documents, the judicial officer shall present to the recorder of deeds at the time of recording a copy of his or her written request. The recorder of deeds shall ensure that the eligible document is shielded within five business days.

6. Eligible documents shall remain shielded until the recorder of deeds receives a court order or notarized affidavit signed by the judicial officer directing the recorder of deeds to terminate shielding.

7. The provisions of this section shall not prohibit access to a shielded eligible document by an individual or entity that provides to the recorder of deeds a court order or notarized affidavit signed by the judicial officer.

8. No recorder of deeds shall be liable for any damages under this section, provided the recorder of deeds made a good faith effort to comply with the provisions of this section. No recorder of deeds shall be liable for the release of any eligible document or any data from any eligible document that was released or accessed prior to the eligible document being shielded pursuant to this section.

485.060. COMPENSATION OF REPORTERS. — 1. Each court reporter for a circuit judge shall receive an annual salary of twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985, and beginning January 1, 1986, an annual salary of thirty thousand dollars.

2. Such annual salary shall be modified by any salary adjustment provided by section 476.405.

3. Beginning January 1, 2022, the annual salary, as modified under section 476.405, shall be adjusted upon meeting the minimum number of cumulative years of service as a court reporter with a circuit court of this state by the following schedule:

(1) For each court reporter with zero to five years of service: the annual salary shall be increased only by any salary adjustment provided by section 476.405;

(2) For each court reporter with six to ten years of service: the annual salary shall be increased by the whole sum of five and one-quarter percent in addition to the increase provided by subdivision (1) of this subsection;

(3) For each court reporter with eleven to fifteen years of service: the annual salary shall be increased by the whole sum of eight and one-quarter percent in addition to the increase provided by subdivision (2) of this subsection;

(4) For each court reporter with sixteen to twenty years of service: the annual salary shall be increased by the whole sum of eight and one-half percent in addition to the increase provided by subdivision (3) of this subsection; or

(5) For each court reporter with twenty-one or more years of service: the annual salary shall be increased by the whole sum of eight and three-quarters percent in addition to the increase provided by subdivision (4) of this subsection.

[A court reporter may receive multiple adjustments under this subsection as his or her cumulative years of service increase, but only one percentage listed in subdivisions (1) to (5) of this subsection shall apply to the annual salary at a time.]

4. Salaries shall be payable in equal monthly installments on the certification of the judge of the court or division in whose court the reporter is employed. If paid by the state, the salaries of such court reporters shall be paid in semimonthly or monthly installments, as designated by the commissioner of administration.

509.520. COURT RECORDS, REQUIRED REDACTIONS — CONFIDENTIAL CASE FILE SHEET, CONTENTS. — 1. Notwithstanding any provision of law to the contrary, beginning August 28, [2009] 2023, pleadings, attachments, [or] exhibits filed with the court in any case, as well as any judgments or orders issued by the court, or other records of the court shall not include the following confidential and personal identifying information:

(1) The full Social Security number of any party or any child [who is the subject to an order of custody or support];

(2) The full credit card number [or other], financial institution account number, personal identification number, or password used to secure an account of any party;

(3) The full motor vehicle operator license number;

(4) Victim information, including the name, address, and other contact information of the victim;

(5) Witness information, including the name, address, and other contact information of the witness;

(6) Any other full state identification number;

(7) The name, address, and date of birth of a minor and, if applicable, any next friend; or

(8) The full date of birth of any party; however, the year of birth shall be made available, except for a minor.

2. The information provided under subsection 1 of this section shall be provided in a confidential information filing sheet contemporaneously filed with the court or entered by the court, which shall not be subject to public inspection or availability.

3. Nothing in this section shall preclude an entity including, but not limited to, a financial institution, insurer, insurance support organization, or consumer reporting agency that is otherwise permitted by law to access state court records from using a person's unique identifying information to match such information contained in a court record to validate that person's record.

4. The Missouri supreme court shall promulgate rules to administer this section.

5. Contemporaneously with the filing of every petition for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the filing party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:

(1) The name and address of the current employer and the Social Security number of the petitioner or movant, if a person;

(2) If known to the petitioner or movant, the name and address of the current employer and the Social Security number of the respondent; and

(3) The names, dates of birth, and Social Security numbers of any children subject to the action.

[3.] 6. Contemporaneously with the filing of every responsive pleading petition for dissolution of marriage, legal separation, motion for modification, action to establish paternity, and petition or motion for support or custody of a minor child, the responding party shall file a confidential case filing sheet with the court which shall not be subject to public inspection and which provides:

(1) The name and address of the current employer and the Social Security number of the responding party, if a person;

(2) If known to the responding party, the name and address of the current employer and the Social Security number of the petitioner or movant; and

(3) The names, dates of birth, and Social Security numbers of any children subject to the action.

[4.] 7. The full Social Security number of any party or child subject to an order of custody or support shall be retained by the court on the confidential case filing sheet or other confidential record maintained in conjunction with the administration of the case. The full credit card number or other financial account number of any party may be retained by the court on a confidential record if it is necessary to maintain the number in conjunction with the administration of the case.

[5.] 8. Any document described in subsection 1 of this section shall, in lieu of the full number, include only the last four digits of any such number.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

[6.] 9. Except as provided in section 452.430, the clerk shall not be required to redact any document described in subsection 1 of this section issued or filed before August 28, 2009, prior to releasing the document to the public.

[7.] 10. For good cause shown, the court may release information contained on the confidential case filing sheet; except that, any state agency acting under authority of chapter 454 shall have access to information contained herein without court order in carrying out their official duty.

565.240. UNLAWFUL POSTING OF CERTAIN INFORMATION OVER THE INTERNET, OFFENSE OF — VIOLATION, PENALTY. — 1. A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, telephone number, or any other personally identifiable information of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person.

2. The offense of unlawful posting of certain information over the internet is a class C misdemeanor, unless the person knowingly posts on the internet the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, intending to cause great bodily harm or death, or threatening to cause great bodily harm or death, in which case it is a class E felony, and if such intention or threat results in bodily harm or death to such person or immediate family member, the offense of unlawful posting of certain information over the internet is a class D felony.

595.209. RIGHTS OF VICTIMS AND WITNESSES — WRITTEN NOTIFICATION, REQUIREMENTS. — 1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023, victims of any offense under chapter 566, victims of an attempt to commit one of the preceding crimes, as defined in section 562.012, and victims of domestic assault, as defined in sections 565.072 to 565.076; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:

(1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called to testify or may be called to testify as a witness in the case;

(2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;

(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days;

(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;

(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:

(a) The status of any case concerning a crime against the victim, including juvenile offenses;

(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of

motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;

(c) Any release of such person on bond or for any other reason;

(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings, the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room in such a way that the victim is shielded from the view of the probationer or parolee, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of personal appearance;

(7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552 of the following:

(a) The projected date of such person's release from confinement;

(b) Any release of such person on bond;

(c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;

(d) Any scheduled parole or release hearings, including hearings under section 217.362, regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;

(e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding over releases under section 217.362, to release such person or any decision by the governor to commute the sentence of such person or pardon such person;

(g) Notification within thirty days of the death of such person;

(8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled;

(9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability

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Matter underscored is proposed language.

of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;

(11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;

(12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(13) When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;

(14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require any witness, victim, or member of a victim's immediate family to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in the preparation of a criminal proceeding;

(15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

(16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their written request, case status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;

(17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration;

(18) For victims, the right to receive upon request from the department of corrections a photograph taken of the defendant prior to release from incarceration.

2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of this section shall provide the appropriate person or agency with their current addresses, electronic mail addresses, and telephone numbers or the addresses, electronic mail addresses, or telephone numbers at which they wish notification to be given.

4. Notification by the appropriate person or agency utilizing the statewide automated crime victim notification system as established in section 650.310 shall constitute compliance with the victim notification requirement of this section. If notification utilizing the statewide automated crime victim notification system cannot be used, then written notification shall be sent by certified mail or electronic mail to the most current address or electronic mail address provided by the victim.

5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant to exclude victims or prevent their full participation in each and every phase of parole hearings or probation

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revocation hearings. The rights of the victims granted in this section are absolute and the policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has an absolute right to be present at any hearing in which the defendant is present before a probation and parole hearing officer.

[217.785. POSTCONVICTION DRUG TREATMENT PROGRAM, ESTABLISHED, RULES — REQUIRED PARTICIPATION, COMPLETION — INSTITUTIONAL PHASE — REPORT. — 1. As used in this section, the term "Missouri postconviction drug treatment program" means a program of noninstitutional and institutional correctional programs for the monitoring, control and treatment of certain drug abuse offenders.

2. The department of corrections shall establish by regulation the "Missouri Postconviction Drug Treatment Program". The program shall include noninstitutional and institutional placement. The institutional phase of the program may include any offender under the supervision and control of the department of corrections. The department shall establish rules determining how, when and where an offender shall be admitted into or removed from the program.

3. Any first-time offender who has been found guilty of violating the provisions of chapter 195 or 579, or whose controlled substance abuse was a precipitating or contributing factor in the commission of his offense, and who is placed on probation may be required to participate in the noninstitutional phase of the program, which may include education, treatment and rehabilitation programs. Persons required to attend a program pursuant to this section may be charged a reasonable fee to cover the costs of the program. Failure of an offender to complete successfully the noninstitutional phase of the program shall be sufficient cause for the offender to be remanded to the sentencing court for assignment to the institutional phase of the program or any other authorized disposition.

4. A probationer shall be eligible for assignment to the institutional phase of the postconviction drug treatment program if he has failed to complete successfully the noninstitutional phase of the program. If space is available, the sentencing court may assign the offender to the institutional phase of the program as a special condition of probation, without the necessity of formal revocation of probation.

5. The availability of space in the institutional program shall be determined by the department of corrections. If the sentencing court is advised that there is no space available, then the court shall consider other authorized dispositions.

6. Any time after ninety days and prior to one hundred twenty days after assignment of the offender to the institutional phase of the program, the department shall submit to the court a report outlining the performance of the offender in the program. If the department determines that the offender will not participate or has failed to complete the program, the department shall advise the sentencing court, who shall cause the offender to be brought before the court for consideration of revocation of the probation or other authorized disposition. If the offender successfully completes the program, the department shall release the individual to the appropriate probation and parole district office and so advise the court.

7. Time spent in the institutional phase of the program shall count as time served on the sentence.]

[488.650. EXPUNGEMENT CASES UNDER SECTION 610.140, SURCHARGE, AMOUNT, WAIVER. — There shall be assessed as costs a surcharge in the amount of two hundred fifty dollars on all petitions for expungement filed under the provisions of section 610.140. The judge may waive the surcharge if the petitioner is found by the judge to be indigent and unable to pay the costs. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. Moneys collected from this surcharge shall be payable to the general revenue fund.]

Approved July 6, 2023

HCS SS SCS SB 106

Enacts provisions relating to public health, with an existing penalty provision and an emergency clause for certain sections.

AN ACT to repeal sections 37.725, 190.600, 190.603, 190.606, 190.612, 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 196.1050, 197.020, 208.030, 208.053, 208.146, 208.151, 208.662, 334.100, 334.506, 334.613, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 376.782, 441.740, 552.020, 552.030, 552.040, 552.050, 552.080, 630.045, 630.140, 630.175, 631.120, 631.135, 631.140, 631.150, 631.165, 632.005, 632.150, 632.155, 632.300, 632.305, 632.310, 632.315, 632.320, 632.325, 632.330, 632.335, 632.340, 632.345, 632.350, 632.355, 632.370, 632.375, 632.385, 632.390, 632.392, 632.395, 632.400, 632.410, 632.415, 632.420, 632.430, 632.440, 632.455, 633.125, 701.336, 701.340, 701.342, 701.344, and 701.348, RSMo, and to enact in lieu thereof eighty-seven new sections relating to public health, with an existing penalty provision and an emergency clause for certain sections.

SECTION

- A Enacting clause.
- 9.388 Rare kidney disease awareness month designated for month of March.
- 37.725 Files may be disclosed at discretion of child advocate, exceptions — privileged information — penalty for disclosure of confidential material.
- 37.980 State employees with disabilities, annual report on participation in workforce, contents.
- 167.027 Student special education record deemed permanent record.
- 190.600 Citation of act — definitions.
- 190.603 Outside the hospital do-not-resuscitate order may be executed, when — maintained in medical records — transfers with patient.
- 190.606 Immunity from liability, what persons and entities.
- 190.612 Emergency medical services personnel to comply with order, when — physician to transfer patient, when.
- 190.613 Out-of-state order, physician may execute order, when.
- 191.240 Patient examinations, limitation on performance of, when — notice — violation, sanction of license.
- 191.430 Program established, purpose — department duties.
- 191.435 Need for health care areas to be designated.
- 191.440 Contracts for forgivable loans, contents — practice sites, stipulation of.
- 191.445 Fund created, use of moneys.
- 191.450 Failure to maintain acceptable employment status, liable for loan amount — recovery amount.
- 191.592 Grant program established — definitions — purpose — fund created, use of moneys — priority of expenditures — criteria, requirements — report — rulemaking authority — expiration date.
- 191.600 Loan repayment program established — health professional student loan repayment program fund established — use.
- 191.828 Evaluations, effect of initiatives.
- 191.831 Health initiatives fund established, use — Alt-care pilot program, components — participation may be required.
- 192.775 Physician referral not required for screening mammogram, when.
- 196.1050 Opioid addiction treatment, any opioid-related settlement moneys to be used for — fund established.

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Matter underscored is proposed language.

- 197.020 Definitions.
- 208.030 Supplemental welfare assistance, eligibility for — amount, how determined — reduction of supplemental payment prohibited, when.
- 208.035 Transitional benefits program, TANF and SNAP — amount of benefits — rulemaking authority.
- 208.053 Transitional child care benefits program — amount — report — rulemaking.
- 208.066 SNAP and TANF, one-page application form — eligibility review form, how submitted — rulemaking authority.
- 208.146 Ticket-to-work health assurance program — eligibility — report — expiration date.
- 208.151 Medical assistance, persons eligible — rulemaking authority — waivers — military members eligibility, temporary suspension, when.
- 208.186 Nonresidents, no payments, add-ons, or reimbursements to health care providers, when.
- 208.239 Eligibility redeterminations, renewals, and postenrollment verifications, resumed, when.
- 208.662 Program established as CHIPs program — eligibility — coverage — report, content — program not entitlement.
- 209.700 Citation of law — definitions — persons with disabilities, employment, duties of state agencies — rulemaking authority.
- 210.1360 Minors receiving child care, confidentiality of certain information, exceptions.
- 334.100 Denial, revocation or suspension of license, alternatives, grounds for — reinstatement provisions.
- 334.506 Physical therapists may provide certain services without prescription or direction of an approved health care provider, when — limitations.
- 334.613 Refusal to issue or renew a license, procedure — complaint may be filed, when, requirements for proceedings on — disciplinary action authorized.
- 335.203 Nursing education incentive program established — grants authorized, eligibility — administration — rulemaking authority.
- 335.205 Licensure, surcharge, amount.
- 376.782 Mammography — low-dose screening, defined — health care policies to provide required coverage — no physician referral, when.
- 376.1183 Breast examinations, no cost-sharing requirements.
- 441.740 Immediate eviction ordered, when — immediate removal ordered, when.
- 552.020 Lack of mental capacity bar to trial or conviction — psychiatric examination, when, report of — plea of not guilty by reason of mental disease, supporting pretrial evaluation, conditions of release — commitment to hospital, when — procedure — statements of accused inadmissible, when.
- 552.030 Mental disease or defect, not guilty plea based on — evidence — notice of defense — examination, reports confidential — statements not admissible, exception — presumption of competency — verdict contents — order of commitment to department.
- 552.040 Acquittal based on mental disease or defect, commitment to state hospital required — definitions — immediate conditional release — conditional or unconditional release, when — prior commitment, authority to revoke — applications for release, notice, burden of persuasion, criteria — hearings required, when — denial, reapplication — escape, notice — additional criteria for release.
- 552.050 Mental illness during service of sentence, proceedings relating thereto.
- 552.080 Court costs, examination fees, care and treatment, transportation, how paid.
- 630.045 Appointment of persons for civil involuntary detention actions.
- 630.140 Records confidential, when — may be disclosed, to whom, how, when — release to be documented — court records confidential, exceptions.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 630.175 Physical and chemical restraints prohibited, exceptions — requirements for collaborative practice arrangements — security escort devices and certain extraordinary measures not considered physical restraint.
- 631.120 Involuntary detention — request by professionals — procedure — duration.
- 631.135 Information to be furnished to patient and others.
- 631.140 Additional detention may be requested — contents of petition.
- 631.150 Further additional detention may be requested — hearing to be held when — treatment plan to be presented.
- 631.165 Transfer of patient to a mental health facility, when, procedure.
- 632.005 Definitions.
- 632.150 Release of voluntary patients — voluntary patient may be involuntarily detained, procedure.
- 632.155 Release of voluntary minor patients, consent required — may be involuntarily detained, when, procedure.
- 632.305 Detention for evaluation and treatment, who may request — procedure — duration — disposition after application.
- 632.310 Facilities to accept certain applicants — evaluation to follow — transportation back to place of residence.
- 632.315 Copies of admission application to be furnished.
- 632.320 Time limits for certain procedures.
- 632.325 Information to be furnished to patient and others, when.
- 632.330 Additional detention and treatment may be requested — contents of petition.
- 632.335 Court procedures relating to continued detention or outpatient detention and treatment — continued detention may be ordered — patient's rights relating thereto.
- 632.340 Further additional detention or outpatient detention and treatment may be requested — hearing to be held, when — treatment plan to be presented.
- 632.345 Physician or licensed psychologist to be appointed, qualifications — detention to be continued, how long.
- 632.350 Conduct of hearing — jury question — result.
- 632.355 Additional detention or period of outpatient detention and treatment may be ordered, when.
- 632.370 Transfer of patient by department, procedure — transfer to federal facility, notice, restrictions.
- 632.375 Patient to be evaluated, when — report to certain persons — court may consider continuation of detention.
- 632.385 Patient to be placed outside facility, when — conditions — duration — furloughs — modification of orders — notice requirements.
- 632.390 Head of program to release certain patients — notification to interested parties — involuntary patient may become voluntary, notification to interested parties.
- 632.392 Release of patient involuntarily detained, duties of department — educational materials — disclosure of confidential information — care provider defined.
- 632.395 Court may order transfer of custody to federal facility, when — head of federal facility to be successor administrator — court to retain jurisdiction — orders from courts of other states to be observed in this state.
- 632.400 Reexamination of detained person.
- 632.410 Venue — change of jurisdiction.
- 632.415 Court to maintain register of attorneys available to represent patients — state to pay certain attorney's fees.
- 632.420 Certain examining physicians to be paid by state.
- 632.430 Appeals — to have priority — attorney general to be notified and to represent state.

- 632.440 No liability for health care professionals, public officials and certain peace officers.
- 632.455 Patient, absent without permission, return may be requested, when.
- 633.125 Discharge from facility, when — may be denied, procedure thereafter — referral to regional center for placement, when.
- 701.336 Department to cooperate with federal government — information to be provided to certain persons — lead testing of children, strategy to increase number.
- 701.340 Childhood lead testing program — education to parents — test to be used — parental objection.
- 701.342 High risk areas identified — assessment and testing requirements — laboratory reporting — additional testing required, when.
- 701.344 Evidence of lead poisoning testing required for child care facilities located in high risk areas — no denial of access to education permitted.
- 701.348 Political subdivisions or state agency may provide more stringent requirements.
- 191.500 Definitions.
- 191.505 Department of health and senior services to administer — may make rules and regulations.
- 191.510 Contracts for loans to include terms.
- 191.515 Requirements for application.
- 191.520 Maximum amount of loans — source of funds.
- 191.525 Number of loans available — to whom — length of loans.
- 191.530 Interest on loans — repayment terms — temporary deferral.
- 191.535 Termination of course of study, effect.
- 191.540 Repayment schedules — breach of contract.
- 191.545 Recovery — actions for.
- 191.550 Approval of contracts.
- 335.212 Definitions.
- 335.215 Department of health and senior services to administer programs — advisory panel — members — rules, procedure.
- 335.218 Nurse loan repayment fund established — administration.
- 335.221 Education surcharge, amount, deposit in nursing student loan and nurse loan repayment fund.
- 335.224 Contracts for repayment of loans.
- 335.227 Eligibility for loan.
- 335.230 Financial assistance, amount.
- 335.233 Schedule for repayment of loan — interest, amount.
- 335.236 Repayment of loan — when.
- 335.239 Deferral of repayment of loans — when.
- 335.242 Action to recover loans due.
- 335.245 Definitions.
- 335.248 Department of health and senior services to administer program — rules and regulations.
- 335.251 Loan repayment contract — qualified employment — recovery of amounts due.
- 335.254 Law not to require certain contracts.
- 335.257 Verification of qualified employment.
- 632.300 Procedure when a likelihood of serious harm is alleged.
- B Emergency clause for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

SECTION A. ENACTING CLAUSE. — Sections 37.725, 190.600, 190.603, 190.606, 190.612, 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 196.1050, 197.020, 208.030, 208.053, 208.146, 208.151, 208.662, 334.100, 334.506, 334.613, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 376.782, 441.740, 552.020, 552.030, 552.040, 552.050, 552.080, 630.045, 630.140, 630.175, 631.120, 631.135, 631.140, 631.150, 631.165, 632.005, 632.150, 632.155, 632.300, 632.305, 632.310, 632.315, 632.320, 632.325, 632.330, 632.335, 632.340, 632.345, 632.350, 632.355, 632.370, 632.375, 632.385, 632.390, 632.392, 632.395, 632.400, 632.410, 632.415, 632.420, 632.430, 632.440, 632.455, 633.125, 701.336, 701.340, 701.342, 701.344, and 701.348, RSMo, are repealed and eighty-seven new sections enacted in lieu thereof, to be known as sections 9.388, 37.725, 37.980, 167.027, 190.600, 190.603, 190.606, 190.612, 190.613, 191.240, 191.430, 191.435, 191.440, 191.445, 191.450, 191.592, 191.600, 191.828, 191.831, 192.775, 196.1050, 197.020, 208.030, 208.035, 208.053, 208.066, 208.146, 208.151, 208.186, 208.239, 208.662, 209.700, 210.1360, 334.100, 334.506, 334.613, 335.203, 335.205, 376.782, 376.1183, 441.740, 552.020, 552.030, 552.040, 552.050, 552.080, 630.045, 630.140, 630.175, 631.120, 631.135, 631.140, 631.150, 631.165, 632.005, 632.150, 632.155, 632.305, 632.310, 632.315, 632.320, 632.325, 632.330, 632.335, 632.340, 632.345, 632.350, 632.355, 632.370, 632.375, 632.385, 632.390, 632.392, 632.395, 632.400, 632.410, 632.415, 632.420, 632.430, 632.440, 632.455, 633.125, 701.336, 701.340, 701.342, 701.344, and 701.348, to read as follows:

9.388. RARE KIDNEY DISEASE AWARENESS MONTH DESIGNATED FOR MONTH OF MARCH. — The month of March of each year is hereby designated as "Rare Kidney Disease Awareness Month". The citizens of this state are encouraged to participate in appropriate awareness and educational activities for Rare Kidney Disease, available screening and genetic testing options, and efforts to improve treatment for patients.

37.725. FILES MAY BE DISCLOSED AT DISCRETION OF CHILD ADVOCATE, EXCEPTIONS — PRIVILEGED INFORMATION — PENALTY FOR DISCLOSURE OF CONFIDENTIAL MATERIAL. —

1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:

- (1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; or
- (2) Such disclosure is required by court order; or
- (3) The child advocate determines that disclosure to law enforcement is necessary to ensure immediate child safety.

2. Any statement or communication made by the office relevant to a complaint received by, proceedings before, or activities of the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged and such person shall be immune from suit.

3. Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to receive it, the name of any witness examined or any information obtained or given during such examination is guilty of a class A misdemeanor. However, the office conducting or participating in any examination of a complaint shall disclose the final result of the examination with the consent of the recipient.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections 37.700 to 37.730, or where otherwise required by court order.

37.980. STATE EMPLOYEES WITH DISABILITIES, ANNUAL REPORT ON PARTICIPATION IN WORKFORCE, CONTENTS. — 1. The office of administration shall submit a report to the general assembly before December thirty-first of each year, beginning in 2023, describing the progress made by the state with respect to the directives issued as part of the "Missouri as a Model Employer" initiative described in executive order 19-16.

2. The report shall include, but not be limited to, the data described in the following subdivisions, which shall be collected through voluntary self-disclosure. To the extent possible, for each subdivision, the report shall include general data for all relevant employees, in addition to data comparing the employees of each agency within the state workforce:

(1) The baseline number of employees in the state workforce who disclosed disabilities when the initiative began;

(2) The number of employees in the state workforce who disclose disabilities at the time of the compiling of the annual report and statistics providing the size and the percentage of any increase or decrease in such numbers since the initiative began and since the compilation of any previous annual report;

(3) The baseline percentage of employees in the state workforce who disclosed disabilities when the initiative began;

(4) The percentage of employees in the state workforce who disclose disabilities at the time of the compiling of the annual report and statistics providing the size of any increase or decrease in such percentage since the initiative began and since the compilation of any previous annual report;

(5) A description and analysis of any disparity that may exist from the time the initiative began and the time of the compiling of the annual reports, and of any disparity that may exist from the time of the most recent previous annual report, if any, and the time of the current annual report, between the percentage of individuals in the state of working age who disclose disabilities and the percentage of individuals in the state workforce who disclose or have disabilities; and

(6) A description and analysis of any pay differential that may exist in the state workforce between individuals who disclose disabilities and individuals who do not disclose disabilities.

3. The report shall also include descriptions of specific efforts made by state agencies to recruit, hire, advance, and retain individuals with disabilities including, but not limited to, individuals with the most significant disabilities, as defined in 5 CSR 20-500.160. Such descriptions shall include, but not be limited to, best, promising, and emerging practices related to:

(1) Setting annual goals;

(2) Analyzing barriers to recruiting, hiring, advancing, and retaining individuals with disabilities;

(3) Establishing and maintaining contacts with entities and organizations that specialize in providing education, training, or assistance to individuals with disabilities in securing employment;

(4) Using internships, apprenticeships, and job shadowing;

(5) Using supported employment, individual placement with support services, customized employment, telework, mentoring and management training, stay-at-work and return-to-work programs, and exit interviews;

(6) Adopting, posting, and making available to all job applicants and employees reasonable accommodation procedures in written and accessible formats;

(7) Providing periodic disability awareness training to employees to build and sustain a culture of inclusion in the workplace, including rights to reasonable accommodation in the workplace;

(8) Providing periodic training to human resources and hiring managers in disability rights, hiring, and workplace policies designed to promote a diverse and inclusive workforce; and

(9) Making web-based hiring portals accessible to and usable by applicants with disabilities.

167.027. STUDENT SPECIAL EDUCATION RECORD DEEMED PERMANENT RECORD. — 1. As used in this section, "student special education record" means the following:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(1) An individualized education program, or IEP, as such term is defined in 20 U.S.C. Section 1401, as amended;

(2) An individualized family service plan, or IFSP, as such term is defined in 20 U.S.C. Section 1401, as amended; and

(3) A 504 plan created under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. Section 794, as amended.

2. For the 2023-24 school year and all subsequent school years, a student special education record shall be deemed a permanent record and shall be maintained as a part of a child's cumulative scholastic record.

3. Notwithstanding any other provision of law, rule, regulation, or policy to the contrary, no school district or public school shall destroy a child's most recent student special education record.

190.600. CITATION OF ACT — DEFINITIONS. — 1. Sections 190.600 to 190.621 shall be known and may be cited as the "Outside the Hospital Do-Not-Resuscitate Act".

2. As used in sections 190.600 to 190.621, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Attending physician":

(a) A physician licensed under chapter 334 selected by or assigned to a patient who has primary responsibility for treatment and care of the patient; or

(b) If more than one physician shares responsibility for the treatment and care of a patient, one such physician who has been designated the attending physician by the patient or the patient's representative shall serve as the attending physician;

(2) "Cardiopulmonary resuscitation" or "CPR", emergency medical treatment administered to a patient in the event of the patient's cardiac or respiratory arrest, and shall include cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, defibrillation, administration of cardiac resuscitation medications, and related procedures;

(3) "Department", the department of health and senior services;

(4) "Emergency medical services personnel", paid or volunteer firefighters, law enforcement officers, first responders, emergency medical technicians, or other emergency service personnel acting within the ordinary course and scope of their professions, but excluding physicians;

(5) "Health care facility", any institution, building, or agency or portion thereof, private or public, excluding federal facilities and hospitals, whether organized for profit or not, used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any person or persons. Health care facility includes but is not limited to ambulatory surgical facilities, health maintenance organizations, home health agencies, hospices, infirmaries, renal dialysis centers, long-term care facilities licensed under sections 198.003 to 198.186, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, and residential treatment facilities;

(6) "Hospital", a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more nonrelated individuals. Hospital does not include any long-term care facility licensed under sections 198.003 to 198.186;

(7) "Outside the hospital do-not-resuscitate identification" or "outside the hospital DNR identification", a standardized identification card, bracelet, or necklace of a single color, form, and design as described by rule of the department that signifies that the patient's attending physician has issued an outside the hospital do-not-resuscitate order for the patient and has documented the grounds for the order in the patient's medical file;

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Matter underscored is proposed language.

(8) "Outside the hospital do-not-resuscitate order" or "outside the hospital DNR order", a written physician's order signed by the patient and the attending physician, or the patient's representative and the attending physician, in a form promulgated by rule of the department which authorizes emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from the patient in the event of cardiac or respiratory arrest;

(9) "Outside the hospital do-not-resuscitate protocol" or "outside the hospital DNR protocol", a standardized method or procedure promulgated by rule of the department for the withholding or withdrawal of cardiopulmonary resuscitation by emergency medical services personnel from a patient in the event of cardiac or respiratory arrest;

(10) "Patient", a person eighteen years of age or older who is not incapacitated, as defined in section 475.010, and who is otherwise competent to give informed consent to an outside the hospital do-not-resuscitate order at the time such order is issued, and who, with his or her attending physician, has executed an outside the hospital do-not-resuscitate order under sections 190.600 to 190.621. A person who has a patient's representative shall also be a patient for the purposes of sections 190.600 to 190.621, if the person or the person's patient's representative has executed an outside the hospital do-not-resuscitate order under sections 190.600 to 190.621. A person under eighteen years of age shall also be a patient for purposes of sections 190.600 to 190.621 if the person has had a do-not-resuscitate order issued on his or her behalf under the provisions of section 191.250;

(11) "Patient's representative":

(a) An attorney in fact designated in a durable power of attorney for health care for a patient determined to be incapacitated under sections 404.800 to 404.872; or

(b) A guardian or limited guardian appointed under chapter 475 to have responsibility for an incapacitated patient.

190.603. OUTSIDE THE HOSPITAL DO-NOT-RESUSCITATE ORDER MAY BE EXECUTED, WHEN — MAINTAINED IN MEDICAL RECORDS — TRANSFERS WITH PATIENT. — 1. A patient or patient's representative and the patient's attending physician may execute an outside the hospital do-not-resuscitate order. An outside the hospital do-not-resuscitate order shall not be effective unless it is executed by the patient or patient's representative and the patient's attending physician, and it is in the form promulgated by rule of the department.

2. A patient under eighteen years of age is not authorized to execute an outside the hospital do-not-resuscitate order for himself or herself but may have a do-not-resuscitate order issued on his or her behalf by one parent or legal guardian or by a juvenile or family court under the provisions of section 191.250. Such do-not-resuscitate order shall also function as an outside the hospital do-not-resuscitate order for the purposes of sections 190.600 to 190.621 unless such do-not-resuscitate order authorized under the provisions of section 191.250 states otherwise.

3. If an outside the hospital do-not-resuscitate order has been executed, it shall be maintained as the first page of a patient's medical record in a health care facility unless otherwise specified in the health care facility's policies and procedures.

[3.] 4. An outside the hospital do-not-resuscitate order shall be transferred with the patient when the patient is transferred from one health care facility to another health care facility. If the patient is transferred outside of a hospital, the outside the hospital DNR form shall be provided to any other facility, person, or agency responsible for the medical care of the patient or to the patient or patient's representative.

190.606. IMMUNITY FROM LIABILITY, WHAT PERSONS AND ENTITIES. — The following persons and entities shall not be subject to civil, criminal, or administrative liability and are not guilty of unprofessional conduct for the following acts or omissions that follow discovery of an outside the hospital do-not-resuscitate identification upon a patient or a do-not-resuscitate order functioning as an

outside the hospital do-not-resuscitate order for a patient under eighteen years of age, or upon being presented with an outside the hospital do-not-resuscitate order [from Missouri, another state, the District of Columbia, or a territory of the United States]; provided that the acts or omissions are done in good faith and in accordance with the provisions of sections 190.600 to 190.621 and the provisions of an outside the hospital do-not-resuscitate order executed under sections 190.600 to 190.621:

(1) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that cause or participate in the withholding or withdrawal of cardiopulmonary resuscitation from such patient; and

(2) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that provide cardiopulmonary resuscitation to such patient under an oral or written request communicated to them by the patient or the patient's representative.

190.612. EMERGENCY MEDICAL SERVICES PERSONNEL TO COMPLY WITH ORDER, WHEN — PHYSICIAN TO TRANSFER PATIENT, WHEN. — 1. Emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order. However, emergency medical services personnel shall not comply with an outside the hospital do-not-resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient or patient's representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated.

2. [Emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States if such order is on a standardized written form:

(1) Signed by the patient or the patient's representative and a physician who is licensed to practice in the other state, the District of Columbia, or the territory of the United States; and

(2) Such form has been previously reviewed and approved by the department of health and senior services to authorize emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from the patient in the event of a cardiac or respiratory arrest.

Emergency medical services personnel shall not comply with an outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States or the outside the hospital do-not-resuscitate protocol when the patient or patient's representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated.]

(1) Except as provided in subdivision (2) of this subsection, emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with a do-not-resuscitate order functioning as an outside the hospital do-not-resuscitate order for a patient under eighteen years of age if such do-not-resuscitate order has been authorized by one parent or legal guardian or by a juvenile or family court under the provisions of section 191.250.

(2) Emergency medical services personnel shall not comply with a do-not-resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient under eighteen years of age, either parent of such patient, the patient's legal guardian, or the juvenile or family court expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire for the patient to be resuscitated.

3. If a physician or a health care facility other than a hospital admits or receives a patient with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order, and the patient or patient's representative has not expressed or does not express to the physician or health care facility the desire to be resuscitated, and the physician or health care facility is unwilling or unable to comply with the outside the hospital do-not-resuscitate order, the physician or health care facility

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shall take all reasonable steps to transfer the patient to another physician or health care facility where the outside the hospital do-not-resuscitate order will be complied with.

190.613. OUT-OF-STATE ORDER, PHYSICIAN MAY EXECUTE ORDER, WHEN. — 1. A patient or patient's representative and the patient's attending physician may execute an outside the hospital do-not-resuscitate order through the presentation of a properly executed outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States, or a Transportable Physician Orders for Patient Preferences (TPOPP)/Physician Orders for Life-Sustaining Treatment (POLST) form containing a specific do-not-resuscitate section.

2. Any outside the hospital do-not-resuscitate form identified from another state, the District of Columbia, or a territory of the United States, or a TPOPP/POLST form shall:

(1) Have been previously reviewed and approved by the department as in compliance with the provisions of sections 190.600 to 190.621;

(2) Not be accepted for a patient under eighteen years of age, except as allowed under section 191.250; and

(3) Not be effective during such time as the patient is pregnant as set forth in section 190.609.

A patient or patient's representative may express to emergency medical services personnel, at any time and by any means, the intent to revoke the outside the hospital do-not-resuscitate order.

3. The provisions of section 190.606 shall apply to the good faith acts or omissions of emergency medical services personnel under this section.

191.240. PATIENT EXAMINATIONS, LIMITATION ON PERFORMANCE OF, WHEN — NOTICE — VIOLATION, SANCTION OF LICENSE. — 1. For purposes of this section, the following terms mean:

(1) "Health care provider", the same meaning given to the term in section 191.900;

(2) "Patient examination", a prostate, anal, or pelvic examination.

2. A health care provider, or any student or trainee under the supervision of a health care provider, shall not knowingly perform a patient examination upon an anesthetized or unconscious patient in a health care facility unless:

(1) The patient or a person authorized to make health care decisions for the patient has given specific informed consent to the patient examination for nonmedical purposes;

(2) The examination is necessary for diagnostic or treatment purposes;

(3) The collection of evidence through a forensic examination, as defined in subsection 8 of section 595.220, for a suspected sexual assault on the anesthetized or unconscious patient is necessary because the evidence will be lost or because the patient is unable to give informed consent due to a medical condition; or

(4) Circumstances are present that imply consent, as described in section 431.063.

3. A health care provider shall notify a patient of any patient examination performed under subdivisions (2) to (4) of subsection 2 of this section if the patient is unable to give verbal or written consent.

4. A health care provider who violates the provisions of this section, or who supervises a student or trainee who violates the provisions of this section, shall be subject to discipline by any licensing board that licenses the health care provider.

191.430. PROGRAM ESTABLISHED, PURPOSE — DEPARTMENT DUTIES. — 1. There is hereby established within the department of health and senior services the "Health Professional Loan Repayment Program" to provide forgivable loans for the purpose of repaying existing loans related to applicable educational expenses for health care, mental health, and public health professionals. The department of health and senior services shall be the administrative agency for the implementation of the program established by this section.

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Matter underscored is proposed language.

2. The department of health and senior services shall prescribe the form and the time and method of filing applications and supervise the processing, including oversight and monitoring of the program, and shall promulgate rules to implement the provisions of sections 191.430 to 191.450. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

3. The director of the department of health and senior services shall have the discretion to determine the health professionals and practitioners who will receive forgivable health professional loans from the department to pay their existing loans. The director shall make such determinations each fiscal year based on evidence associated with the greatest needs in the best interests of the public. The health care, mental health, and public health professionals or disciplines funded in any given year shall be contingent upon consultation with the office of workforce development in the department of higher education and workforce development and the department of mental health, or their successor agencies.

4. The department of health and senior services shall enter into a contract with each selected applicant who receives a health professional loan under this section. Each selected applicant shall apply the loan award to his or her educational debt. The contract shall detail the methods of forgiveness associated with a service obligation and the terms associated with the principal and interest accruing on the loan at the time of the award. The contract shall contain details concerning how forgiveness is earned, including when partial forgiveness is earned through a service obligation, and the terms and conditions associated with repayment of the loans for any obligation not served.

5. All health professional loans shall be made from funds appropriated by the general assembly to the health professional loan incentive fund established in section 191.445.

191.435. NEED FOR HEALTH CARE AREAS TO BE DESIGNATED. — The department of health and senior services shall designate counties, communities, or sections of areas in the state as areas of defined need for health care, mental health, and public health services. If a county, community, or section of an area has been designated or determined as a professional shortage area, a shortage area, or a health care, mental health, or public health professional shortage area by the federal Department of Health and Human Services or its successor agency, the department of health and senior services shall designate it as an area of defined need under this section. If the director of the department of health and senior services determines that a county, community, or section of an area has an extraordinary need for health care professional services without a corresponding supply of such professionals, the department of health and senior services may designate it as an area of defined need under this section.

191.440. CONTRACTS FOR FORGIVABLE LOANS, CONTENTS — PRACTICE SITES, STIPULATION OF. — 1. The department of health and senior services shall enter into a contract with each individual qualifying for a forgivable loan under sections 191.430 to 191.450. The written contract between the department and the individual shall contain, but not be limited to, the following:

(1) An agreement that the state agrees to award a loan and the individual agrees to serve for a period equal to two years, or a longer period as the individual may agree to, in an area of defined need as designated by the department, with such service period to begin on the date identified on the signed contract;

(2) A provision that any financial obligations arising out of a contract entered into and any obligation of the individual that is conditioned thereon is contingent upon funds being appropriated for loans;

- (3) The area of defined need where the person will practice;
 - (4) A statement of the damages to which the state is entitled for the individual's breach of the contract; and
 - (5) Such other statements of the rights and liabilities of the department and of the individual not inconsistent with sections 191.430 to 191.450.
2. The department of health and senior services may stipulate specific practice sites, contingent upon department-generated health care, mental health, and public health professional need priorities, where applicants shall agree to practice for the duration of their participation in the program.

191.445. FUND CREATED, USE OF MONEYS. — There is hereby created in the state treasury the "Health Professional Loan Incentive Fund", which shall consist of any appropriations made by the general assembly, all funds recovered from an individual under section 191.450, and all funds generated by loan repayments received under sections 191.430 to 191.450. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely by the department of health and senior services to provide loans under sections 191.430 to 191.450. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

191.450. FAILURE TO MAINTAIN ACCEPTABLE EMPLOYMENT STATUS, LIABLE FOR LOAN AMOUNT — RECOVERY AMOUNT. — 1. An individual who enters into a written contract with the department of health and senior services, as described in section 191.440, and who fails to maintain an acceptable employment status shall be liable to the state for any amount awarded as a loan by the department directly to the individual who entered into the contract that has not yet been forgiven.

2. An individual fails to maintain an acceptable employment status under this section when the contracted individual involuntarily or voluntarily terminates qualifying employment, is dismissed from such employment before completion of the contractual service obligation within the specific time frame outlined in the contract, or fails to respond to requests made by the department.

3. If an individual breaches the written contract of the individual by failing to begin or complete such individual's service obligation, the state shall be entitled to recover from the individual an amount equal to the sum of:

- (1) The total amount of the loan awarded by the department or, if the department had already awarded partial forgiveness at the time of the breach, the amount of the loan not yet forgiven;
- (2) The interest on the amount that would be payable if at the time the loan was awarded it was a loan bearing interest at the maximum prevailing rate as determined by the Treasurer of the United States;
- (3) An amount equal to any damages incurred by the department as a result of the breach; and
- (4) Any legal fees or associated costs incurred by the department or the state of Missouri in the collection of damages.

191.592. GRANT PROGRAM ESTABLISHED — DEFINITIONS — PURPOSE — FUND CREATED, USE OF MONEYS — PRIORITY OF EXPENDITURES — CRITERIA, REQUIREMENTS — REPORT — RULEMAKING AUTHORITY — EXPIRATION DATE. — 1. For purposes of this section, the following terms mean:

- (1) "Department", the department of health and senior services;
- (2) "Eligible entity", an entity that operates a physician medical residency program in this state and that is accredited by the Accreditation Council for Graduate Medical Education;

(3) "General primary care and psychiatry", family medicine, general internal medicine, general pediatrics, internal medicine-pediatrics, general obstetrics and gynecology, or general psychiatry;

(4) "Grant-funded residency position", a position that is accredited by the Accreditation Council for Graduate Medical Education, that is established as a result of funding awarded to an eligible entity for the purpose of establishing an additional medical resident position beyond the currently existing medical resident positions, and that is within the fields of general primary care and psychiatry. Such position shall end when the medical residency funding under this section is completed or when the resident in the medical grant-funded residency position is no longer employed by the eligible entity, whichever is earlier;

(5) "Participating medical resident", an individual who is a medical school graduate with a doctor of medicine degree or doctor of osteopathic medicine degree, who is participating in a postgraduate training program at an eligible entity, and who is filling a grant-funded residency position.

2. (1) Subject to appropriation, the department shall establish a medical residency grant program to award grants to eligible entities for the purpose of establishing and funding new general primary care and psychiatry medical residency positions in this state and continuing the funding of such new residency positions for the duration of the funded residency.

(2) (a) Funding shall be available for three years for residency positions in family medicine, general internal medicine, and general pediatrics.

(b) Funding shall be available for four years for residency positions in general obstetrics and gynecology, internal medicine-pediatrics, and general psychiatry.

3. (1) There is hereby created in the state treasury the "Medical Residency Grant Program Fund". Moneys in the fund shall be used to implement and fund grants to eligible entities.

(2) The medical residency grant program fund shall include funds appropriated by the general assembly, reimbursements from awarded eligible entities who were not able to fill the residency position or positions with an individual medical resident or residents, and any gifts, contributions, grants, or bequests received from federal, private, or other sources.

(3) The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely as provided in this section.

(4) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(5) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. Subject to appropriation, the department shall expend moneys in the medical residency grant program fund in the following order:

(1) Necessary costs of the department to implement this section;

(2) Funding of grant-funded residency positions of individuals in the fourth year of their residency, as applicable to residents in general obstetrics and gynecology, internal medicine-pediatrics, and general psychiatry;

(3) Funding of grant-funded residency positions of individuals in the third year of their residency;

(4) Funding of grant-funded residency positions of individuals in the second year of their residency;

(5) Funding of grant-funded residency positions of individuals in the first year of their residency;
and

(6) The establishment of new grant-funded residency positions at awarded eligible entities.

5. The department shall establish criteria to evaluate which eligible entities shall be awarded grants for new grant-funded residency positions, criteria for determining the amount and duration of grants, the contents of the grant application, procedures and timelines by which eligible entities may apply for grants, and all other rules needed to implement the purposes of this section. Such criteria shall include

a preference for eligible entities located in areas of highest need for general primary care and psychiatric care physicians, as determined by the health professional shortage area score.

6. Eligible entities that receive grants under this section shall:

(1) Agree to supplement awarded funds under this section, if necessary, to establish or maintain a grant-funded residency position for the duration of the funded resident's medical residency; and

(2) Agree to abide by other requirements imposed by rule.

7. Annual funding per participating medical resident shall be limited to:

(1) Direct graduate medical education costs including, but not limited to:

(a) Salaries and benefits for residents, faculty, and program staff;

(b) Malpractice insurance, licenses, and other required fees; and

(c) Program administration and educational materials; and

(2) Indirect costs of graduate medical education necessary to meet the standards of the Accreditation Council for Graduate Medical Education.

8. No new grant-funded residency positions under this section shall be established after the tenth fiscal year in which grants are awarded. However, any residency positions funded under this section may continue to be funded until the completion of the resident's medical residency.

9. The department shall submit an annual report to the general assembly regarding the implementation of the program developed under this section.

10. The department may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

11. The provisions of this section shall expire on January 1, 2038.

191.600. LOAN REPAYMENT PROGRAM ESTABLISHED — HEALTH PROFESSIONAL STUDENT LOAN REPAYMENT PROGRAM FUND ESTABLISHED — USE. — 1. Sections 191.600 to 191.615 establish a loan repayment program for graduates of approved medical schools, schools of osteopathic medicine, schools of dentistry and accredited chiropractic colleges who practice in areas of defined need and shall be known as the "Health Professional Student Loan Repayment Program". Sections 191.600 to 191.615 shall apply to graduates of accredited chiropractic colleges when federal guidelines for chiropractic shortage areas are developed.

2. The "Health Professional Student Loan and Loan Repayment Program Fund" is hereby created in the state treasury. All funds recovered from an individual pursuant to section 191.614 and all funds generated by loan repayments and penalties received pursuant to section 191.540 shall be credited to the fund. The moneys in the fund shall be used by the department of health and senior services to provide loan repayments pursuant to section 191.611 in accordance with sections 191.600 to 191.614 [and to provide loans pursuant to sections 191.500 to 191.550].

191.828. EVALUATIONS, EFFECT OF INITIATIVES. — 1. The following departments shall conduct on-going evaluations of the effect of the initiatives enacted by the following sections:

(1) The department of commerce and insurance shall evaluate the effect of revising section 376.782 and sections 143.999, 208.178, 374.126, and 376.891 to 376.894;

(2) The department of health and senior services shall evaluate the effect of revising sections 105.711 and [sections 191.520 and] 191.600 and enacting section 191.411, and sections 167.600 to 167.621, 191.231, 208.177, 431.064, and 660.016. In collaboration with the state board of registration

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for the healing arts, the state board of nursing, and the state board of pharmacy, the department of health and senior services shall also evaluate the effect of revising section 195.070, section 334.100, and section 335.016, and of sections 334.104 and 334.112, and section 338.095 and 338.198;

(3) The department of social services shall evaluate the effect of revising section 198.090, and sections 208.151, 208.152 and 208.215, and section 383.125, and of sections 167.600 to 167.621, 208.177, 208.178, 208.179, 208.181, and 211.490;

(4) The office of administration shall evaluate the effect of revising sections 105.711 and 105.721;

(5) The Missouri consolidated health care plan shall evaluate the effect of section 103.178; and

(6) The department of mental health shall evaluate the effect of section 191.831 as it relates to substance abuse treatment and of section 191.835.

2. The department of revenue and office of administration shall make biannual reports to the general assembly and the governor concerning the income received into the health initiatives fund and the level of funding required to operate the programs and initiatives funded by the health initiatives fund at an optimal level.

191.831. HEALTH INITIATIVES FUND ESTABLISHED, USE — ALT-CARE PILOT PROGRAM, COMPONENTS — PARTICIPATION MAY BE REQUIRED. — 1. There is hereby established in the state treasury a "Health Initiatives Fund", to which shall be deposited all revenues designated for the fund under subsection 8 of section 149.015, and subsection 3 of section 149.160, and section 167.609, and all other funds donated to the fund or otherwise deposited pursuant to law. The state treasurer shall administer the fund. Money in the fund shall be appropriated to provide funding for implementing the new programs and initiatives established by sections 105.711 and 105.721. The moneys in the fund may further be used to fund those programs established by sections 191.411[, 191.520] and 191.600, sections 208.151 and 208.152, and sections 103.178, 143.999, 167.600 to 167.621, 188.230, 191.211, 191.231, 191.825 to 191.839, 192.013, 208.177, 208.178, 208.179 and 208.181, 211.490, 285.240, 337.093, 374.126, 376.891 to 376.894, 431.064, 660.016, 660.017 and 660.018; in addition, not less than fifteen percent of the proceeds deposited to the health initiative fund pursuant to sections 149.015 and 149.160 shall be appropriated annually to provide funding for the C-STAR substance abuse rehabilitation program of the department of mental health, or its successor program, and a C-STAR pilot project developed by the director of the division of alcohol and drug abuse and the director of the department of corrections as an alternative to incarceration, as provided in subsections 2, 3, and 4 of this section. Such pilot project shall be known as the "Alt-care" program. In addition, some of the proceeds deposited to the health initiatives fund pursuant to sections 149.015 and 149.160 shall be appropriated annually to the division of alcohol and drug abuse of the department of mental health to be used for the administration and oversight of the substance abuse traffic [offenders] offender program defined in section 302.010 [and section 577.001]. The provisions of section 33.080 to the contrary notwithstanding, money in the health initiatives fund shall not be transferred at the close of the biennium to the general revenue fund.

2. The director of the division of alcohol and drug abuse and the director of the department of corrections shall develop and administer a pilot project to provide a comprehensive substance abuse treatment and rehabilitation program as an alternative to incarceration, hereinafter referred to as "Alt-care". Alt-care shall be funded using money provided under subsection 1 of this section through the Missouri Medicaid program, the C-STAR program of the department of mental health, and the division of alcohol and drug abuse's purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and living arrangements individually adapted to each client and her children. Alt-care shall consist of the following components:

(1) Assessment and treatment planning;

(2) Community support to provide continuity, monitoring of progress and access to services and resources;

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- (3) Counseling from individual to family therapy;
 - (4) Day treatment services which include accessibility seven days per week, transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly events for families and companions, job and education preparedness training, peer support and self-help and daily living skills; and
 - (5) Living arrangement options which are permanent, substance-free and conducive to treatment and recovery.
3. Any female who is pregnant or is the custodial parent of a child or children under the age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of chapter 195, and whose controlled substance abuse was a precipitating or contributing factor in the commission of the offense, and who is placed on probation may be required, as a condition of probation, to participate in Alt-care, if space is available in the pilot project area. Determinations of eligibility for the program, placement, and continued participation shall be made by the division of alcohol and drug abuse, in consultation with the department of corrections.
4. The availability of space in Alt-care shall be determined by the director of the division of alcohol and drug abuse in conjunction with the director of the department of corrections. If the sentencing court is advised that there is no space available, the court shall consider other authorized dispositions.

192.775. PHYSICIAN REFERRAL NOT REQUIRED FOR SCREENING MAMMOGRAM, WHEN. — A mammography facility certified by the United States Food and Drug Administration (FDA) or by a certification agency approved by the FDA shall not require any person to obtain a referral from a primary care provider or other physician in order to receive a screening mammogram at the facility if providing the mammogram for the person is consistent with the recommendations in the most current breast cancer screening guidelines established by the American College of Radiology.

196.1050. OPIOID ADDICTION TREATMENT, ANY OPIOID-RELATED SETTLEMENT MONEYS TO BE USED FOR — FUND ESTABLISHED. — 1. The proceeds of any monetary settlement or portion of a global settlement between the attorney general of the state and any drug manufacturers, distributors, pharmacies, or combination thereof to resolve an opioid-related cause of action against such drug manufacturers, distributors, or combination thereof in a state or federal court shall only be utilized to pay for opioid addiction treatment and prevention services and health care and law enforcement costs related to opioid addiction treatment and prevention. Under no circumstances shall such settlement moneys be utilized to fund other services, programs, or expenses not reasonably related to opioid addiction treatment and prevention.

2. (1) There is hereby established in the state treasury the "Opioid Addiction Treatment and Recovery Fund", which shall consist of the proceeds of any settlement described in subsection 1 of this section, as well as any funds appropriated by the general assembly, or gifts, grants, donations, or bequests. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used by the department of mental health, the department of health and senior services, the department of social services, the department of public safety, the department of corrections, and the judiciary for the purposes set forth in subsection 1 of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

197.020. DEFINITIONS. — 1. "Governmental unit" means any county, municipality or other political subdivision or any department, division, board or other agency of any of the foregoing.

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Matter underscored is proposed language.

2. "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four consecutive hours in any week of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide for not less than twenty-four consecutive hours in any week medical or nursing care for three or more nonrelated individuals. The term "hospital" shall include a facility designated as a rural emergency hospital by the Centers for Medicare and Medicaid Services. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198.

3. "Person" means any individual, firm, partnership, corporation, company or association and the legal successors thereof.

208.030. SUPPLEMENTAL WELFARE ASSISTANCE, ELIGIBILITY FOR — AMOUNT, HOW DETERMINED — REDUCTION OF SUPPLEMENTAL PAYMENT PROHIBITED, WHEN. — 1. The family support division shall make monthly payments to each person who was a recipient of old age assistance, aid to the permanently and totally disabled, and aid to the blind and who:

(1) Received such assistance payments from the state of Missouri for the month of December, 1973, to which they were legally entitled; and

(2) Is a resident of Missouri.

2. The amount of supplemental payment made to persons who meet the eligibility requirements for and receive federal supplemental security income payments shall be in an amount, as established by rule and regulation of the family support division, sufficient to, when added to all other income, equal the amount of cash income received in December, 1973; except, in establishing the amount of the supplemental payments, there shall be disregarded cost-of-living increases provided for in Titles II and XVI of the federal Social Security Act and any benefits or income required to be disregarded by an act of Congress of the United States or any regulation duly promulgated thereunder. As long as the recipient continues to receive a supplemental security income payment, the supplemental payment shall not be reduced. The minimum supplemental payment for those persons who continue to meet the December, 1973, eligibility standards for aid to the blind shall be in an amount which, when added to the federal supplemental security income payment, equals the amount of the blind pension grant as provided for in chapter 209.

3. The amount of supplemental payment made to persons who do not meet the eligibility requirements for federal supplemental security income benefits, but who do meet the December, 1973, eligibility standards for old age assistance, permanent and total disability and aid to the blind or less restrictive requirements as established by rule or regulation of the family support division, shall be in an amount established by rule and regulation of the family support division sufficient to, when added to all other income, equal the amount of cash income received in December, 1973; except, in establishing the amount of the supplemental payment, there shall be disregarded cost-of-living increases provided for in Titles II and XVI of the federal Social Security Act and any other benefits or income required to be disregarded by an act of Congress of the United States or any regulation duly promulgated thereunder. The minimum supplemental payments for those persons who continue to meet the December, 1973, eligibility standards for aid to the blind shall be a blind pension payment as prescribed in chapter 209.

4. The family support division shall make monthly payments to persons meeting the eligibility standards for the aid to the blind program in effect December 31, 1973, who are bona fide residents of the state of Missouri. The payment shall be in the amount prescribed in subsection 1 of section 209.040, less any federal supplemental security income payment.

5. The family support division shall make monthly payments to persons age twenty-one or over who meet the eligibility requirements in effect on December 31, 1973, or less restrictive requirements as established by rule or regulation of the family support division, who were receiving old age assistance, permanent and total disability assistance, general relief assistance, or aid to the blind assistance lawfully,

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who are not eligible for nursing home care under the Title XIX program, and who reside in a licensed residential care facility, a licensed assisted living facility, a licensed intermediate care facility or a licensed skilled nursing facility in Missouri and whose total cash income is not sufficient to pay the amount charged by the facility; and to all applicants age twenty-one or over who are not eligible for nursing home care under the Title XIX program who are residing in a licensed residential care facility, a licensed assisted living facility, a licensed intermediate care facility or a licensed skilled nursing facility in Missouri, who make application after December 31, 1973, provided they meet the eligibility standards for old age assistance, permanent and total disability assistance, general relief assistance, or aid to the blind assistance in effect on December 31, 1973, or less restrictive requirements as established by rule or regulation of the family support division, who are bona fide residents of the state of Missouri, and whose total cash income is not sufficient to pay the amount charged by the facility. [Until July 1, 1983, the amount of the total state payment for home care in licensed residential care facilities shall not exceed one hundred twenty dollars monthly, for care in licensed intermediate care facilities or licensed skilled nursing facilities shall not exceed three hundred dollars monthly, and for care in licensed assisted living facilities shall not exceed two hundred twenty-five dollars monthly. Beginning July 1, 1983, for fiscal year 1983-1984 and each year thereafter,] The amount of the total state payment for home care in licensed residential care facilities and for care in licensed assisted living facilities shall [not exceed one hundred fifty-six dollars monthly,] be subject to appropriation. The amount of total state payment for care in licensed intermediate care facilities or licensed skilled nursing facilities shall not exceed three hundred ninety dollars monthly[, and for care in licensed assisted living facilities shall not exceed two hundred ninety-two dollars and fifty cents monthly]. No intermediate care or skilled nursing payment shall be made to a person residing in a licensed intermediate care facility or in a licensed skilled nursing facility unless such person has been determined, by his or her own physician or doctor, to medically need such services subject to review and approval by the department. Residential care payments may be made to persons residing in licensed intermediate care facilities or licensed skilled nursing facilities. Any person eligible to receive a monthly payment pursuant to this subsection shall receive an additional monthly payment equal to the Medicaid vendor nursing facility personal needs allowance. The exact amount of the additional payment shall be determined by rule of the department. This additional payment shall not be used to pay for any supplies or services, or for any other items that would have been paid for by the family support division if that person would have been receiving medical assistance benefits under Title XIX of the federal Social Security Act for nursing home services pursuant to the provisions of section 208.159. Notwithstanding the previous part of this subsection, the person eligible shall not receive this additional payment if such eligible person is receiving funds for personal expenses from some other state or federal program.

208.035. TRANSITIONAL BENEFITS PROGRAM, TANF AND SNAP — AMOUNT OF BENEFITS — RULEMAKING AUTHORITY. — 1. Subject to appropriations and any necessary waivers or approvals, the department of social services shall develop and implement a transitional benefits program for temporary assistance for needy families (TANF) and the supplemental nutrition assistance program (SNAP) that is designed in such a way that a TANF or SNAP beneficiary will not experience an immediate loss of benefits should the beneficiary's income exceed the maximum allowable income for such program. The transitional benefits offered shall provide for a transition to self-sufficiency while incentivizing work and financial stability.

2. The transitional benefits offered shall gradually step down the beneficiary's monthly benefit proportionate to the increase in the beneficiary's income. The determination for a beneficiary's transitional benefit shall be as follows:

(1) One hundred percent of the monthly benefit for beneficiaries with monthly household incomes less than or equal to one hundred thirty-eighty percent of the federal poverty level;

(2) Eighty percent of the monthly benefit for beneficiaries with monthly household incomes greater than one hundred thirty-eight percent but less than or equal to one hundred fifty percent of the federal poverty level;

(3) Sixty percent of the monthly benefit for beneficiaries with monthly household incomes greater than one hundred fifty percent but less than or equal to one hundred seventy percent of the federal poverty level;

(4) Forty percent of the monthly benefit for beneficiaries with monthly household incomes greater than one hundred seventy percent but less than or equal to one hundred ninety percent of the federal poverty level; and

(5) Twenty percent of the monthly benefit for beneficiaries with monthly household incomes greater than one hundred ninety percent but less than or equal to two hundred percent of the federal poverty level.

Notwithstanding any provision of this section to the contrary, any beneficiary where monthly household income exceeds five thousand eight hundred twenty-two dollars, as adjusted for inflation, shall not be eligible for any transitional benefit under this section.

3. Beneficiaries receiving transitional benefits under this section shall comply with all requirements of each program for which they are eligible, including work requirements. Transitional benefits received under this section shall not be included in the lifetime limit for receipt of TANF benefits under section 208.040.

4. The department may promulgate any rules or regulations necessary for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

208.053. TRANSITIONAL CHILD CARE BENEFITS PROGRAM — AMOUNT — REPORT — RULEMAKING. — 1. [The provisions of this section shall be known as the "Low-Wage Trap Elimination Act".] In order to more effectively transition persons receiving state-funded child care subsidy benefits under this chapter, the department of elementary and secondary education[, in conjunction with the department of revenue,] shall, subject to appropriations, by July 1, [2022] 2024, implement a [pilot] program [in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county of the first classification with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants, and a county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, to be called the "Hand-Up Program",] to allow [applicants in the program] recipients to receive transitional child care benefits without the requirement that such [applicants] recipients first be eligible for full child care benefits.

(1) For purposes of this section, "full child care benefits" shall be the full benefits awarded to a recipient based on the income eligibility amount established by the department through the annual appropriations process as of August 28, [2021] 2023, to qualify for the benefits and shall not include the transitional child care benefits that are awarded to recipients whose income surpasses the eligibility level for full benefits to continue. The [hand-up] program shall be voluntary and shall be designed such that [an applicant] a recipient may begin receiving the transitional child care benefit without having first qualified for the full child care benefit or any other tier of the transitional child care benefit. [Under no circumstances shall any applicant be eligible for the hand-up program if the applicant's income does not

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Matter underscored is proposed language.

fall within the transitional child care benefit income limits established through the annual appropriations process.]

(2) Transitional child care benefits shall be determined on a sliding scale as follows for recipients with household incomes in excess of the eligibility level for full benefits:

(a) Eighty percent of the state base rate for recipients with household incomes greater than the eligibility level for full benefits but less than or equal to one hundred fifty percent of the federal poverty level;

(b) Sixty percent of the state base rate for recipients with household incomes greater than one hundred fifty percent but less than or equal to one hundred seventy percent of the federal poverty level;

(c) Forty percent of the state base rate for recipients with household incomes greater than one hundred seventy percent but less than or equal to one hundred ninety percent of the federal poverty level; and

(d) Twenty percent of the state base rate for recipients with household incomes greater than one hundred ninety percent but less than or equal to two hundred percent of the federal poverty level, but not greater than eighty-five percent of the state median income.

(3) As used in this section, "state base rate" shall refer to the rate established by the department for provider payments that accounts for geographic area, type of facility, duration of care, and age of the child, as well as any enhancements reflecting after-hours or weekend care, accreditation, or licensure status, as determined by the department. Recipients shall be responsible for paying the remaining sliding fee to the child care provider.

(4) A participating recipient shall be allowed to opt out of the program at any time, but such person shall not be allowed to participate in the program a second time.

2. The department shall track the number of participants in the [hand-up] program and shall issue an annual report to the general assembly by September 1, [2023] 2025, and annually on September first thereafter, detailing the effectiveness of the [pilot] program in encouraging recipients to secure employment earning an income greater than the maximum wage eligible for the full child care benefit. The report shall also detail the costs of administration and the increased amount of state income tax paid as a result of the program], as well as an analysis of whether the pilot program could be expanded to include other types of benefits, including, but not limited to, food stamps, temporary assistance for needy families, low-income heating assistance, women, infants and children supplemental nutrition program, the state children's health insurance program, and MO HealthNet benefits].

3. The department shall pursue all necessary waivers from the federal government to implement the [hand-up] program. If the department is unable to obtain such waivers, the department shall implement the program to the degree possible without such waivers.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated under this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

[5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically three years after August 28, 2021, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically three years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.]

208.066. SNAP AND TANF, ONE-PAGE APPLICATION FORM — ELIGIBILITY REVIEW FORM, HOW SUBMITTED — RULEMAKING AUTHORITY. — 1. Upon approval by the Centers for Medicare and Medicaid Services, the Food and Nutrition Services within the United States Department of Agriculture, or any other relevant federal agency, the department of social services shall limit any initial application for the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Needy Families program (TANF), the child care assistance program, or MO HealthNet to a one-page form that is easily accessible on the department of social services' website.

2. Persons who are participants in a program listed in subsection 1 of this section who are required to complete a periodic eligibility review form may submit such form as an attachment to their Missouri state individual income tax return if the person's eligibility review form is due before or at the same time that he or she files such state tax return. The department of social services shall limit periodic eligibility review forms associated with the programs listed in subsection 1 of this section to a one-page form that is easily accessible on both the department of social services' website and the department of revenue's website.

3. Notwithstanding the provisions of section 32.057 to the contrary, the department of revenue shall share any eligibility form submitted under this section with the department of social services.

4. The department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

208.146. TICKET-TO-WORK HEALTH ASSURANCE PROGRAM — ELIGIBILITY — REPORT — EXPIRATION DATE. — 1. The program established under this section shall be known as the "Ticket to Work Health Assurance Program". Subject to appropriations and in accordance with the federal Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIA), Public Law 106-170, the medical assistance provided for in section 208.151 may be paid for a person who is employed and who:

(1) Except for earnings, meets the definition of disabled under the Supplemental Security Income Program or meets the definition of an employed individual with a medically improved disability under TWWIA;

(2) Has earned income, as defined in subsection 2 of this section;

(3) Meets the asset limits in subsection 3 of this section; and

(4) Has [net] income, as [defined] determined in subsection 3 of this section, that does not exceed [the limit for permanent and totally disabled individuals to receive nonspenddown MO HealthNet under subdivision (24) of subsection 1 of section 208.151; and

(5) Has a gross income of [two hundred fifty percent [or less]] of the federal poverty level, excluding any earned income of the worker with a disability between two hundred fifty and three hundred percent of the federal poverty level. [For purposes of this subdivision, "gross income" includes all income of the person and the person's spouse that would be considered in determining MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151. Individuals with gross incomes in excess of one hundred percent of the federal poverty level shall pay a premium for participation in accordance with subsection 4 of this section.]

2. For income to be considered earned income for purposes of this section, the department of social services shall document that Medicare and Social Security taxes are withheld from such income. Self-employed persons shall provide proof of payment of Medicare and Social Security taxes for income to be considered earned.

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3. (1) For purposes of determining eligibility under this section, the available asset limit and the definition of available assets shall be the same as those used to determine MO HealthNet eligibility for permanent and totally disabled individuals under subdivision (24) of subsection 1 of section 208.151 except for:

(a) Medical savings accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year; ~~and~~

(b) Independent living accounts limited to deposits of earned income and earnings on such income while a participant in the program created under this section with a value not to exceed five thousand dollars per year. For purposes of this section, an "independent living account" means an account established and maintained to provide savings for transportation, housing, home modification, and personal care services and assistive devices associated with such person's disability; ~~and~~

(c) Retirement accounts including, but not limited to, individual accounts, 401(k) plans, 403(b) plans, Keogh plans, and pension plans, provided that income from such accounts be calculated as income under subdivision (4) of subsection 1 of this section.

(2) To determine ~~[net]~~ income, the following shall be disregarded:

(a) ~~[All earned income of the disabled worker;~~

~~(b)] The first [sixty-five dollars and one-half] fifty thousand dollars of [the remaining] earned income of [a nondisabled spouse's earned income] the person's spouse;~~

~~[(c)] (b) A twenty dollar standard deduction;~~

~~[(d)] (c) Health insurance premiums;~~

~~[(e)] (d) A seventy-five dollar a month standard deduction for the disabled worker's dental and optical insurance when the total dental and optical insurance premiums are less than seventy-five dollars;~~

~~[(f)] (e) All Supplemental Security Income payments, and the first fifty dollars of SSDI payments; and~~

~~[(g)] (f) A standard deduction for impairment-related employment expenses equal to one-half of the disabled worker's earned income.~~

4. Any person whose ~~[gross]~~ income exceeds one hundred percent of the federal poverty level shall pay a premium for participation in the medical assistance provided in this section. Such premium shall be:

(1) For a person whose ~~[gross]~~ income is more than one hundred percent but less than one hundred fifty percent of the federal poverty level, four percent of income at one hundred percent of the federal poverty level;

(2) For a person whose ~~[gross]~~ income equals or exceeds one hundred fifty percent but is less than two hundred percent of the federal poverty level, four percent of income at one hundred fifty percent of the federal poverty level;

(3) For a person whose ~~[gross]~~ income equals or exceeds two hundred percent but less than two hundred fifty percent of the federal poverty level, five percent of income at two hundred percent of the federal poverty level;

(4) For a person whose ~~[gross]~~ income equals or exceeds two hundred fifty percent up to and including three hundred percent of the federal poverty level, six percent of income at two hundred fifty percent of the federal poverty level.

5. Recipients of services through this program shall report any change in income or household size within ten days of the occurrence of such change. An increase in premiums resulting from a reported change in income or household size shall be effective with the next premium invoice that is mailed to a person after due process requirements have been met. A decrease in premiums shall be effective the first day of the month immediately following the month in which the change is reported.

6. If an eligible person's employer offers employer-sponsored health insurance and the department of social services determines that it is more cost effective, such person shall participate in the employer-sponsored insurance. The department shall pay such person's portion of the premiums, co-payments, and any other costs associated with participation in the employer-sponsored health insurance. If the department elects to pay such person's employer-sponsored insurance costs under this subsection, the medical assistance provided under this section shall be provided to an eligible person as a secondary or supplemental policy for only personal care assistance services, as defined in section 208.900, and related costs and nonemergency medical transportation to any employer-sponsored benefits that may be available to such person.

7. The department of social services shall provide to the general assembly an annual report that identifies the number of participants in the program and describes the outreach and education efforts to increase awareness and enrollment in the program.

8. The department of social services shall submit such state plan amendments and waivers to the Centers for Medicare and Medicaid Services of the federal Department of Health and Human Services as the department determines are necessary to implement the provisions of this section.

9. The provisions of this section shall expire August 28, 2025.

208.151. MEDICAL ASSISTANCE, PERSONS ELIGIBLE — RULEMAKING AUTHORITY — WAIVERS — MILITARY MEMBERS ELIGIBILITY, TEMPORARY SUSPENSION, WHEN. — 1.

Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

- (1) All participants receiving state supplemental payments for the aged, blind and disabled;
- (2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in treatment court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;
- (3) All participants receiving blind pension benefits;
- (4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;
- (5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;
- (6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (7) All persons eligible to receive nursing care benefits;
- (8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;
- (9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the

eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) (42 U.S.C. Sections 1396a to 1396b). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families

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with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. Pregnant women receiving mental health treatment for postpartum depression or related mental health conditions within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for mental health services for the treatment of postpartum depression and related mental health conditions for up to twelve additional months. Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who

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provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

(26) Persons who are in foster care under the responsibility of the state of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, or persons who received foster care for at least six months in another state, are residing in Missouri, and are at least eighteen years of age, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care;

(27) Any homeless child or homeless youth, as those terms are defined in section 167.020, subject to approval of a state plan amendment by the Centers for Medicare and Medicaid Services;

(28) (a) Subject to approval of any necessary state plan amendments or waivers, beginning on the effective date of this act, pregnant women who are eligible for, have applied for, and have received MO HealthNet benefits under subdivision (2), (10), (11), or (12) of this subsection shall be eligible for medical assistance during the pregnancy and during the twelve-month period that begins on the last day of the woman's pregnancy and ends on the last day of the month in which such twelve-month period ends, consistent with the provisions of 42 U.S.C. Section 1396a(e)(16). The department shall submit a state plan amendment to the Centers for Medicare and Medicaid Services when the number of ineligible MO HealthNet participants removed from the program in 2023 pursuant to section 208.239 exceeds the projected number of beneficiaries likely to enroll in benefits in 2023 under this subdivision and

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subdivision (2) of subsection 6 of section 208.662, as determined by the department, by at least one hundred individuals;

(b) The provisions of this subdivision shall remain in effect for any period of time during which the federal authority under 42 U.S.C. Section 1396a(e)(16), as amended, or any successor statutes or implementing regulations, is in effect.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(i).

7. (1) Notwithstanding any provision of law to the contrary, a military service member, or an immediate family member residing with such military service member, who is a legal resident of this state and is eligible for MO HealthNet developmental disability services, shall have his or her eligibility for MO HealthNet developmental disability services temporarily suspended for any period of time during which such person temporarily resides outside of this state for reasons relating to military service, but shall have his or her eligibility immediately restored upon returning to this state to reside.

(2) Notwithstanding any provision of law to the contrary, if a military service member, or an immediate family member residing with such military service member, is not a legal resident of this state, but would otherwise be eligible for MO HealthNet developmental disability services, such individual shall be deemed eligible for MO HealthNet developmental disability services for the duration of any time in which such individual is temporarily present in this state for reasons relating to military service.

208.186. NONRESIDENTS, NO PAYMENTS, ADD-ONS, OR REIMBURSEMENTS TO HEALTH CARE PROVIDERS, WHEN. — The state shall not provide payments, add-ons, or reimbursements to health care providers through MO HealthNet for medical assistance services provided to persons who do not reside in this state, as determined under 42 CFR 435.403, or any amendments or successor regulations thereto.

208.239. ELIGIBILITY REDETERMINATIONS, RENEWALS, AND POSTENROLLMENT VERIFICATIONS, RESUMED, WHEN. — The department of social services shall resume annual MO HealthNet eligibility redeterminations, renewals, and postenrollment verifications no later than thirty days after the effective date of this act.

208.662. PROGRAM ESTABLISHED AS CHIPS PROGRAM — ELIGIBILITY — COVERAGE — REPORT, CONTENT — PROGRAM NOT ENTITLEMENT. — 1. There is hereby established within the department of social services the "Show-Me Healthy Babies Program" as a separate children's health insurance program (CHIP) for any low-income unborn child. The program shall be established under the authority of Title XXI of the federal Social Security Act, the State Children's Health Insurance Program, as amended, and 42 CFR 457.1.

2. For an unborn child to be enrolled in the show-me healthy babies program, his or her mother shall not be eligible for coverage under Title XIX of the federal Social Security Act, the Medicaid program, as it is administered by the state, and shall not have access to affordable employer-subsidized health care insurance or other affordable health care coverage that includes coverage for the unborn child. In addition, the unborn child shall be in a family with income eligibility of no more than three hundred percent of the federal poverty level, or the equivalent modified adjusted gross income, unless the income eligibility is set lower by the general assembly through appropriations. In calculating family size as it relates to income eligibility, the family shall include, in addition to other family members, the unborn child, or in the case of a mother with a multiple pregnancy, all unborn children.

3. Coverage for an unborn child enrolled in the show-me healthy babies program shall include all prenatal care and pregnancy-related services that benefit the health of the unborn child and that promote healthy labor, delivery, and birth. Coverage need not include services that are solely for the benefit of the pregnant mother, that are unrelated to maintaining or promoting a healthy pregnancy, and that provide no benefit to the unborn child. However, the department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397II.

4. There shall be no waiting period before an unborn child may be enrolled in the show-me healthy babies program. In accordance with the definition of child in 42 CFR 457.10, coverage shall include the period from conception to birth. The department shall develop a presumptive eligibility procedure for enrolling an unborn child. There shall be verification of the pregnancy.

5. Coverage for the child shall continue for up to one year after birth, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations.

6. (1) Pregnancy-related and postpartum coverage for the mother shall begin on the day the pregnancy ends and extend through the last day of the month that includes the sixtieth day after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations. The department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397ll.

(2) (a) Subject to approval of any necessary state plan amendments or waivers, beginning on the effective date of this act, mothers eligible to receive coverage under this section shall receive medical assistance benefits during the pregnancy and during the twelve-month period that begins on the last day of the woman's pregnancy and ends on the last day of the month in which such twelve-month period ends, consistent with the provisions of 42 U.S.C. Section 1397gg(e)(1)(J). The department shall seek any necessary state plan amendments or waivers to implement the provisions of this subdivision when the number of ineligible MO HealthNet participants removed from the program in 2023 pursuant to section 208.239 exceeds the projected number of beneficiaries likely to enroll in benefits in 2023 under this subdivision and subdivision (28) of subsection 1 of section 208.151, as determined by the department, by at least one hundred individuals.

(b) The provisions of this subdivision shall remain in effect for any period of time during which the federal authority under 42 U.S.C. Section 1397gg(e)(1)(J), as amended, or any successor statutes or implementing regulations, is in effect.

7. The department shall provide coverage for an unborn child enrolled in the show-me healthy babies program in the same manner in which the department provides coverage for the children's health insurance program (CHIP) in the county of the primary residence of the mother.

8. The department shall provide information about the show-me healthy babies program to maternity homes as defined in section 135.600, pregnancy resource centers as defined in section 135.630, and other similar agencies and programs in the state that assist unborn children and their mothers. The department shall consider allowing such agencies and programs to assist in the enrollment of unborn children in the program, and in making determinations about presumptive eligibility and verification of the pregnancy.

9. Within sixty days after August 28, 2014, the department shall submit a state plan amendment or seek any necessary waivers from the federal Department of Health and Human Services requesting approval for the show-me healthy babies program.

10. At least annually, the department shall prepare and submit a report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate analyzing and projecting the cost savings and benefits, if any, to the state, counties, local communities, school districts, law enforcement agencies, correctional centers, health care providers, employers, other public and private entities, and persons by enrolling unborn children in the show-me healthy babies program. The analysis and projection of cost savings and benefits, if any, may include but need not be limited to:

(1) The higher federal matching rate for having an unborn child enrolled in the show-me healthy babies program versus the lower federal matching rate for a pregnant woman being enrolled in MO HealthNet or other federal programs;

(2) The efficacy in providing services to unborn children through managed care organizations, group or individual health insurance providers or premium assistance, or through other nontraditional arrangements of providing health care;

(3) The change in the proportion of unborn children who receive care in the first trimester of pregnancy due to a lack of waiting periods, by allowing presumptive eligibility, or by removal of other barriers, and any resulting or projected decrease in health problems and other problems for unborn children and women throughout pregnancy; at labor, delivery, and birth; and during infancy and childhood;

(4) The change in healthy behaviors by pregnant women, such as the cessation of the use of tobacco, alcohol, illicit drugs, or other harmful practices, and any resulting or projected short-term and long-term decrease in birth defects; poor motor skills; vision, speech, and hearing problems; breathing and respiratory problems; feeding and digestive problems; and other physical, mental, educational, and behavioral problems; and

(5) The change in infant and maternal mortality, preterm births and low birth weight babies and any resulting or projected decrease in short-term and long-term medical and other interventions.

11. The show-me healthy babies program shall not be deemed an entitlement program, but instead shall be subject to a federal allotment or other federal appropriations and matching state appropriations.

12. Nothing in this section shall be construed as obligating the state to continue the show-me healthy babies program if the allotment or payments from the federal government end or are not sufficient for the program to operate, or if the general assembly does not appropriate funds for the program.

13. Nothing in this section shall be construed as expanding MO HealthNet or fulfilling a mandate imposed by the federal government on the state.

209.700. CITATION OF LAW — DEFINITIONS — PERSONS WITH DISABILITIES, EMPLOYMENT, DUTIES OF STATE AGENCIES — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Missouri Employment First Act".

2. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) "Competitive integrated employment", work that:

(a) Is performed on a full-time or part-time basis, including self-employment, and for which a person is compensated at a rate that:

a. Is no less than the higher of the rate specified in 29 U.S.C. Section 206(a)(1) or the rate required under any applicable state or local minimum wage law for the place of employment;

b. Is no less than the customary rate paid by the employer for the same or similar work performed by other employees who are not persons with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills;

c. In the case of a person who is self-employed, yields an income that is comparable to the income received by other persons who are not persons with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

d. Is eligible for the level of benefits provided to other employees;

(b) Is at a location:

a. Typically found in the community; and

b. Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site and, as appropriate to the work performed, other persons, such as customers and vendors, who are not persons with disabilities, other than supervisory personnel or persons who are providing services to such employee, to the same extent that employees who are not persons with disabilities and who are in comparable positions interact with these persons; and

(c) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not persons with disabilities and who have similar positions;

(2) "Customized employment", competitive integrated employment for a person with a significant disability that is:

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Matter underscored is proposed language.

- (a) Based on an individualized determination of the unique strengths, needs, and interests of the person with a significant disability;
- (b) Designed to meet the specific abilities of the person with a significant disability and the business needs of the employer; and
- (c) Carried out through flexible strategies, such as:
 - a. Job exploration by the person; and
 - b. Working with an employer to facilitate placement, including:
 - (i) Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
 - (ii) Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision, including performance evaluation and review, and determining a job location;
 - (iii) Using a professional representative chosen by the person or self-representation, if elected, to work with an employer to facilitate placement; and
 - (iv) Providing services and supports at the job location;
- (3) "Disability", a physical or mental impairment that substantially limits one or more major life activities of a person, as defined in the Americans with Disabilities Act of 1990, as amended. The term "disability" does not include brief periods of intoxication caused by alcohol or drugs or dependence upon or addiction to any alcohol or drug;
- (4) "Employment first", a concept to facilitate the full inclusion of persons with disabilities in the workplace and community in which community-based, competitive integrated employment is the first and preferred outcome for employment services for persons with disabilities;
- (5) "Employment-related services", services provided to persons, including persons with disabilities, to assist them in finding employment. The term "employment-related services" includes, but is not limited to, resume development, job fairs, and interview training;
- (6) "Integrated setting", a setting:
 - (a) Typically found in the community; and
 - (b) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site and, as appropriate to the work performed, other persons, such as customers and vendors, who are not persons with disabilities, other than supervisory personnel or persons who are providing services to such employee, to the same extent that employees who are not persons with disabilities and who are in comparable positions interact with these persons;
- (7) "Outcome", with respect to a person entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment, including customized employment, self-employment, telecommuting, or business ownership, or supported employment that is consistent with a person's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
- (8) "Sheltered workshop", the same meaning given to the term in section 178.900;
- (9) "State agency", an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive branch of state government;
- (10) "Supported employment", competitive integrated employment, including customized employment, or employment in an integrated setting in which persons are working toward a competitive integrated employment, that is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the persons involved who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services in order to perform the work involved;
- (11) "Supported employment services", ongoing support services, including customized employment, needed to support and maintain a person with a most significant disability in supported employment, that:

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(a) Are provided singly or in combination and are organized and made available in such a way as to assist an eligible person to achieve competitive integrated employment; and

(b) Are based on a determination of the needs of an eligible person, as specified in an individualized plan for employment;

(12) "Working age", sixteen years of age or older;

(13) "Youth with a disability", any person fourteen years of age or older and under eighteen years of age who has a disability.

3. All state agencies that provide employment-related services or that provide services or support to persons with disabilities shall:

(1) Develop collaborative relationships with each other, confirmed by a written memorandum of understanding signed by each such state agency; and

(2) Implement coordinated strategies to promote competitive integrated employment including, but not limited to, coordinated service planning, job exploration, increased job training, and internship opportunities.

4. All state agencies that provide employment-related services or that provide services or support to persons with disabilities shall:

(1) Implement an employment first policy by considering competitive integrated employment as the first and preferred outcome when planning or providing services or supports to persons with disabilities who are of working age;

(2) Offer information on competitive integrated employment to all working-age persons with disabilities. The information offered shall include an explanation of the relationship between a person's earned income and his or her public benefits, information on Achieving a Better Life Experience (ABLE) accounts, and information on accessing assistive technology;

(3) Ensure that persons with disabilities receive the opportunity to understand and explore education and training as pathways to employment, including postsecondary, graduate, and postgraduate education; vocational and technical training; and other training. State agencies shall not be required to fund any education or training unless otherwise required by law;

(4) Promote the availability and accessibility of individualized training designed to prepare a person with a disability for the person's preferred employment;

(5) Promote partnerships with private agencies that offer supported employment services, if appropriate;

(6) Promote partnerships with employers to overcome barriers to meeting workforce needs with the creative use of technology and innovation;

(7) Ensure that staff members of public schools, vocational service programs, and community providers receive the support, guidance, and training that they need to contribute to attainment of the goal of competitive integrated employment for all persons with disabilities;

(8) Ensure that competitive integrated employment, while the first and preferred outcome when planning or providing services or supports to persons with disabilities who are of working age, is not required of a person with a disability to secure or maintain public benefits for which the person is otherwise eligible; and

(9) At least once each year, discuss basic information about competitive integrated employment with the parents or guardians of a youth with a disability. If the youth with a disability has been emancipated, state agencies shall discuss this information with the youth with a disability. The information offered shall include an explanation of the relationship between a person's earned income and his or her public benefits, information about ABLE accounts, and information about accessing assistive technology.

5. Nothing in this section shall require a state agency to perform any action that would interfere with the state agency's ability to fulfill duties and requirements mandated by federal law.

6. Nothing in this section shall be construed to limit or disallow any disability benefits to which a person with a disability who is unable to engage in competitive integrated employment would otherwise be entitled.

7. Nothing in this section shall be construed to eliminate any supported employment services or sheltered workshop settings as options.

8. (1) Nothing in this section shall be construed to require any state agency or other employer to give a preference in hiring to persons with disabilities or to prohibit any employment relationship or program that is otherwise permitted under applicable law.

(2) Any person who is employed by a state agency shall meet the minimum qualifications and requirements for the position in which the person is employed.

9. All state agencies that provide employment-related services or that provide services or support to persons with disabilities shall coordinate efforts and collaborate within and among each other to ensure that state programs, policies, and procedures support competitive integrated employment for persons with disabilities who are of working age. All such state agencies, when feasible, shall share data and information across systems in order to track progress toward full implementation of this section. All such state agencies are encouraged to adopt measurable goals and objectives to promote assessment of progress in implementing this section.

10. State agencies may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

210.1360. MINORS RECEIVING CHILD CARE, CONFIDENTIALITY OF CERTAIN INFORMATION, EXCEPTIONS. — 1. Any personally identifiable information regarding any child under eighteen years of age receiving child care from any provider or applying for or receiving any services through a state program shall not be subject to disclosure except as otherwise provided by law.

2. This section shall not prohibit any state agency from disclosing personally identifiable information to governmental entities or its agents, vendors, grantees, and contractors in connection to matters relating to its official duties. The provisions of this section shall not apply to any state, county, or municipal law enforcement agency acting in its official capacity.

3. This section shall not prevent a parent or legal guardian from accessing the parent's or legal guardian's child's records.

334.100. DENIAL, REVOCATION OR SUSPENSION OF LICENSE, ALTERNATIVES, GROUNDS FOR — REINSTATEMENT PROVISIONS. — 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted

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license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

(f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

(g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination including failing to establish a valid physician-patient relationship pursuant to section 334.108, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and

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suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

(i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;

(j) Being listed on any state or federal sexual offender registry;

(k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(l) Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;

(m) Failure of any applicant or licensee to cooperate with the board during any investigation;

(n) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(o) Failure to timely pay license renewal fees specified in this chapter;

(p) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;

(q) Failing to inform the board of the physician's current residence and business address;

(r) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;

(s) Any other conduct that is unethical or unprofessional involving a minor;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;

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- (11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;
- (12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;
- (13) Violation of the drug laws or rules and regulations of this state, including but not limited to any provision of chapter 195, any other state, or the federal government;
- (14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;
- (15) Knowingly making a false statement, orally or in writing to the board;
- (16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;
- (17) Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;
- (18) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;
- (19) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;
- (20) Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or[, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] evaluating or treating a patient in a manner inconsistent with section 334.506;
- (21) Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;
- (22) Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

(23) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

(24) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program;

(26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or voluntary termination of a controlled substance authority while under investigation;

(27) For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

8. The act of lawfully dispensing, prescribing, administering, or otherwise distributing ivermectin tablets or hydroxychloroquine sulfate tablets for human use shall not be grounds for denial, suspension, revocation, or other disciplinary action by the board.

334.506. PHYSICAL THERAPISTS MAY PROVIDE CERTAIN SERVICES WITHOUT PRESCRIPTION OR DIRECTION OF AN APPROVED HEALTH CARE PROVIDER, WHEN — LIMITATIONS. — 1. As used in this section, the following terms mean:

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(1) "Approved health care provider" means, a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing;

(2) "Consult" or "consultation", communication by telephone, by fax, in writing, or in person with the patient's personally approved licensed health care provider or a licensed health care provider of the patient's designation.

2. A physical therapist shall not may evaluate and initiate treatment for a new injury or illness on a patient without a prescription or referral from an approved health care provider, provided that the physical therapist has a doctorate of physical therapy degree or has five years of clinical practice as a physical therapist.

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs for asymptomatic persons, or provide screening or consultative services within the scope of physical therapy practice without the a prescription and direction of or referral from an approved health care provider.

4. A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self-limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The physical therapist shall:

(1) Contact the patient's current approved health care provider within seven days of initiating physical therapy services under this subsection; A physical therapist shall refer to an approved health care provider any patient whose condition at the time of evaluation or treatment is determined to be beyond the scope of practice of physical therapy. The physical therapist shall not provide physical therapy services or treatment after this referral has been made.

(2) Not change an existing physical therapy referral available to the physical therapist without approval of the patient's current approved health care provider; A physical therapist shall refer to an approved health care provider any patient who does not demonstrate measurable or functional improvement after ten visits or thirty days, whichever occurs first. The physical therapist shall not provide further therapy services or treatment after this referral has been made.

(3) Refer to an approved health care provider any patient whose medical condition at the time of examination or treatment is determined to be beyond the scope of practice of physical therapy;

(4) Refer to an approved health care provider any patient whose condition for which physical therapy services are rendered under this subsection has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever first occurs;

(5) Notify the patient's current approved health care provider prior to the continuation of treatment if treatment rendered under this subsection is to continue beyond thirty days. The physical therapist shall provide such notification for each successive period of thirty days.] (a) A physical therapist shall consult with an approved health care provider if, after every ten visits or thirty days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the course of physical therapy services or treatment provided and the physical therapist believes that continuation of the course of physical therapy services or treatment is reasonable and necessary based on the physical therapist's evaluation of the patient. The physical therapist shall not provide further physical therapy services or treatment until the consultation has occurred.

(b) The consultation with the approved health care provider shall include information concerning:

a. The patient's condition for which physical therapy services or treatments were provided;

b. The basis for the course of services or treatment indicated, as determined from the physical therapy evaluation of the patient;

c. The physical therapy services or treatment provided before the date of the consultation;

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d. The patient's demonstrated measurable or functional improvement from the services or treatment provided before the date of the consultation;

e. The continuing physical therapy services or treatment proposed to be provided following the consultation; and

f. The professional physical therapy basis for the continued physical therapy services or treatment to be provided.

(c) Continued physical therapy services or treatment following the consultation with and approval by an approved health care provider shall proceed in accordance with any feedback, advice, opinion, or direction of the approved health care provider. The physical therapist shall notify the consulting approved health care provider of continuing physical therapy services or treatment and the patient's progress at least every ten visits or thirty days after the initial consultation unless the consulting approved health care provider directs otherwise.

(d) The provisions of this subdivision shall not apply to physical therapy services performed within a primary or secondary school for individuals within ages not in excess of twenty-one years.

5. The provision of physical therapy services of evaluation and screening pursuant to this section shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. [Physical therapy treatment provided pursuant to the provisions of subsection 4 of this section may be delegated by physical therapists to physical therapist assistants only if the patient's current approved health care provider has been so informed as part of the physical therapist's seven-day notification upon reinitiation of physical therapy services as required in subsection 4 of this section.] Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of an approved health care provider. Nothing in this subsection shall prohibit an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission on Accreditation in Physical Therapy Education (CAPTE) who satisfies supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry-level person shall be under the supervision of a physical therapist.

334.613. REFUSAL TO ISSUE OR RENEW A LICENSE, PROCEDURE — COMPLAINT MAY BE FILED, WHEN, REQUIREMENTS FOR PROCEEDINGS ON — DISCIPLINARY ACTION AUTHORIZED.

— 1. The board may refuse to issue or renew a license to practice as a physical therapist or physical therapist assistant for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew a license to practice as a physical therapist or physical therapist assistant, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within

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thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment or services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;

(f) Performing services which have been declared by board rule to be of no physical therapy value;

(g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;

(h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;

(i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;

(j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;

(l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;

(m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(n) Failure to timely pay license renewal fees specified in this chapter;

(o) Violating a probation agreement with this board or any other licensing agency;

(p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;

(q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;

(7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or allowing any person to use his or her license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;

(12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or

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pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or[, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] evaluating or treating a patient in a manner inconsistent with section 334.506;

(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under section 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including

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rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

335.203. NURSING EDUCATION INCENTIVE PROGRAM ESTABLISHED — GRANTS AUTHORIZED, ELIGIBILITY — ADMINISTRATION — RULEMAKING AUTHORITY. — 1. There is hereby established the "Nursing Education Incentive Program" within the state board of nursing.

2. Subject to appropriation and board disbursement, grants shall be awarded through the nursing education incentive program to eligible institutions of higher education based on criteria jointly determined by the board and the department of higher education and workforce development. [Grant award amounts shall not exceed one hundred fifty thousand dollars.] No campus shall receive more than one grant per year.

3. To be considered for a grant, an eligible institution of higher education shall offer a program of nursing that meets the predetermined category and area of need as established by the board and the department under subsection 4 of this section.

4. The board and the department shall determine categories and areas of need for designating grants to eligible institutions of higher education. In establishing categories and areas of need, the board and department may consider criteria including, but not limited to:

(1) Data generated from licensure renewal data and the department of health and senior services; and

(2) National nursing statistical data and trends that have identified nursing shortages.

5. The board shall be the administrative agency responsible for implementation of the program established under sections 335.200 to 335.203, and shall promulgate reasonable rules for the exercise of its functions and the effectuation of the purposes of sections 335.200 to 335.203. The board shall, by rule, prescribe the form, time, and method of filing applications and shall supervise the processing of such applications.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

335.205. LICENSURE, SURCHARGE, AMOUNT. — The board, in addition to any other duties it may have regarding licensure of nurses, shall collect, at the time of any initial license application or license renewal application, a nursing education incentive program surcharge from each person licensed or relicensed under chapter 335, in the amount of one dollar per year for practical nurses and five dollars per year for registered professional nurses. These funds shall be deposited in the state board of nursing fund described in section 335.036.

376.782. MAMMOGRAPHY — LOW-DOSE SCREENING, DEFINED — HEALTH CARE POLICIES TO PROVIDE REQUIRED COVERAGE — NO PHYSICIAN REFERRAL, WHEN. — 1. As used in this section, the term "low-dose mammography screening" means the X-ray examination of the breast using equipment specifically designed and dedicated for mammography, including the X-ray tube, filter, compression device, detector, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast, and any fee charged by a radiologist or other physician for reading, interpreting or diagnosing based on such X-ray. As used in this section, the term "low-dose mammography screening" shall also include digital mammography and breast tomosynthesis. As used in this section, the term "breast tomosynthesis" shall mean a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

2. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1991, and providing coverage to any resident of this state shall provide benefits or coverage for low-dose mammography screening for any nonsymptomatic woman covered under such policy or contract which meets the minimum requirements of this section. Such benefits or coverage shall include at least the following:

- (1) A baseline mammogram for women age thirty-five to thirty-nine, inclusive;
- (2) A mammogram every year for women age forty and over;
- (3) A mammogram every year for any woman deemed by a treating physician to have an above-average risk for breast cancer in accordance with the American College of Radiology guidelines for breast cancer screening;
- (4) Any additional or supplemental imaging, such as breast magnetic resonance imaging or ultrasound, deemed medically necessary by a treating physician for proper breast cancer screening or evaluation in accordance with applicable American College of Radiology guidelines; and
- (5) Ultrasound or magnetic resonance imaging services, if determined by a treating physician to be medically necessary for the screening or evaluation of breast cancer for any woman deemed by the treating physician to have an above-average risk for breast cancer in accordance with American College of Radiology guidelines for breast cancer screening.

3. Coverage and benefits required under this section shall be at least as favorable and subject to the same dollar limits, deductibles, and co-payments as other radiological examinations; provided, however, that:

(1) On and after January 1, 2019, providers of health care services specified under this section shall be reimbursed at rates accurately reflecting the resource costs specific to each modality, including any increased resource cost; and

(2) Cost-sharing requirements shall not apply if the provisions of section 376.1183 prohibit cost-sharing requirements with respect to such coverage.

4. A policy providing the coverage and benefits required under this section shall not require any person covered under the policy who is entitled to a screening mammogram under subdivision (1) or

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(2) of subsection 2 of this section to obtain a referral from a primary care provider or other physician in order to receive the screening mammogram.

376.1183. BREAST EXAMINATIONS, NO COST-SHARING REQUIREMENTS. — 1. For purposes of this section, the following terms mean:

(1) "Cost-sharing requirement", any deductible, coinsurance, co-payment, or maximum limitation on the application of such deductible, coinsurance, co-payment, or similar out-of-pocket expense;

(2) "Diagnostic breast examination", any medically necessary and appropriate examination of the breast, including such an examination using diagnostic mammography, breast magnetic resonance imaging, or breast ultrasound, that is:

(a) Used to evaluate an abnormality seen or suspected from a screening examination for breast cancer; or

(b) Used to evaluate an abnormality detected by another means of examination;

(3) "Health benefit plan", the same meaning given to the term in section 376.1350;

(4) "Health carrier", the same meaning given to the term in section 376.1350;

(5) "Supplemental breast examination", any medically necessary and appropriate examination of the breast, including such an examination using breast magnetic resonance imaging or breast ultrasound, that is:

(a) Used to screen for breast cancer when there is no abnormality seen or suspected; and

(b) Based on personal or family medical history or any additional factors that may increase the patient's risk of breast cancer.

2. Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2024, and that provide coverage for diagnostic breast examinations, coverage for supplemental breast examinations, coverage required under section 376.782, or any combination of such coverages shall not impose any cost-sharing requirements with respect to any such coverage.

3. If, under federal law, application of the requirement under subsection 2 of this section would result in health savings account ineligibility under Section 223 of the Internal Revenue Code, the requirement under subsection 2 of this section shall apply to health savings account-qualified high deductible health plans with respect to the deductible of such a plan after the enrollee has satisfied the minimum deductible under Section 223, except with respect to items or services that are preventive care under Section 223(c)(2)(C) of the Internal Revenue Code, in which case the requirement of subsection 2 of this section shall apply regardless of whether the minimum deductible under Section 223 has been satisfied.

441.740. IMMEDIATE EVICTION ORDERED, WHEN — IMMEDIATE REMOVAL ORDERED, WHEN. — 1. The court shall, subject to the provisions of sections 441.750 and 441.880, order the immediate eviction of a tenant as set forth in section 441.770, or issue an order pursuant to section 441.830, if it finds any of the following:

(1) An emergency situation where dispossession of the tenant by other, less expeditious legal means would, because of the passage of time, imminently cause with a reasonable certainty either of the following:

(a) Physical injury to other tenants or the lessor; or

(b) Physical damage to lessor's property and the reasonable cost to repair such damage exceeds an amount equal to twelve months of rent; for the purposes of this paragraph, the term "rent" shall include the amount owed by the tenant along with any subsidy owed from any third party; No action shall be taken under this subdivision unless the lessor first makes a reasonable attempt to abate the emergency situation through public law enforcement authorities or local mental health services personnel authorized to take action pursuant to section [632.300,] 632.305 et seq., as appropriate[.];

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- (2) Drug-related criminal activity has occurred on or within the property leased to the tenant;
- (3) The property leased to the tenant was used in any way to further, promote, aid or assist in drug-related criminal activity;
- (4) The tenant, a member of the tenant's household or a guest has engaged in drug-related criminal activity either within, on or in the immediate vicinity of the leased property;
- (5) The tenant has given permission to or invited a person to enter onto or remain on any portion of the leased property, and the tenant did so knowing that the person had been removed or barred from the leased property pursuant to the provisions of sections 441.710 to 441.880; or
- (6) The tenant has failed to promptly notify the plaintiff that a person whom the plaintiff previously had removed from the property leased by the tenant, with the knowledge of the tenant, has returned to, entered onto or remained on the property leased by the tenant.

2. The court shall, subject to the provisions of section 441.880, order the immediate removal of any person who engages in criminal activity described in this section on or in the immediate vicinity of the leased property. Persons removed from the leased premises pursuant to this section shall be immediately barred from entering onto or remaining on any portion of the leased property.

552.020. LACK OF MENTAL CAPACITY BAR TO TRIAL OR CONVICTION — PSYCHIATRIC EXAMINATION, WHEN, REPORT OF — PLEA OF NOT GUILTY BY REASON OF MENTAL DISEASE, SUPPORTING PRETRIAL EVALUATION, CONDITIONS OF RELEASE — COMMITMENT TO HOSPITAL, WHEN — PROCEDURE — STATEMENTS OF ACCUSED INADMISSIBLE, WHEN. — 1. No person who as a result of mental disease or defect lacks capacity to understand the proceedings against him or her or to assist in his or her own defense shall be tried, convicted or sentenced for the commission of an offense so long as the incapacity endures.

2. Whenever any judge has reasonable cause to believe that the accused lacks mental fitness to proceed, the judge shall, upon his or her own motion or upon motion filed by the state or by or on behalf of the accused, by order of record, appoint one or more private psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, who are neither employees nor contractors of the department of mental health for purposes of performing the examination in question, to examine the accused; or shall direct the director to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability, developmental disability, or mental illness. The order shall direct that a written report or reports of such examination be filed with the clerk of the court. No private physician, psychiatrist, or psychologist shall be appointed by the court unless he or she has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that, if the order directs the director of the department to have the accused examined, the director, or his or her designee, shall determine the time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses and may require the provision of police reports to the department for use in evaluations. The department shall establish standards and provide training for those individuals performing examinations pursuant to this section and section 552.030. No individual who is employed by or contracts with the department shall be designated to perform an examination pursuant to this chapter unless the individual meets the qualifications so established by the department. Any examination performed pursuant to this subsection shall be completed and filed with the court within sixty days of the order unless the court for good cause orders otherwise. Nothing in this section or section 552.030 shall be construed to permit psychologists to engage in any activity not authorized by chapter 337. One pretrial evaluation shall be provided at no charge to the defendant by the department. All costs of subsequent evaluations shall be assessed to the party requesting the evaluation.

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3. A report of the examination made under this section shall include:
- (1) Detailed findings;
 - (2) An opinion as to whether the accused has a mental disease or defect;
 - (3) An opinion based upon a reasonable degree of medical or psychological certainty as to whether the accused, as a result of a mental disease or defect, lacks capacity to understand the proceedings against him or her or to assist in his or her own defense;
 - (4) An opinion, if the accused is found to lack capacity to understand the proceedings against him or her or to assist in his or her own defense, as to whether there is a substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future;
 - (5) A recommendation as to whether the accused should be held in custody in a suitable hospital facility for treatment pending determination, by the court, of mental fitness to proceed; ~~and~~
 - (5)] (6) A recommendation as to whether the accused, if found by the court to be mentally fit to proceed, should be detained in such hospital facility pending further proceedings;
 - (7) A recommendation as to whether the accused, if found by the court to lack the mental fitness to proceed, should be committed to a suitable hospital facility for treatment to restore the mental fitness to proceed or if such treatment to restore the mental fitness to proceed can be provided in a county jail or other detention facility approved by the director or designee; and
 - (8) A recommendation as to whether the accused, if found by the court to lack the mental fitness to proceed and the accused is not charged with a dangerous felony as defined in section 556.061, murder in the first degree under section 565.020, or rape in the second degree under section 566.031, or the attempts thereof:
 - (a) Should be committed to a suitable hospital facility; or
 - (b) May be appropriately treated in the community; and
 - (c) Is able to comply with bond conditions as set forth by the court and is able to comply with treatment conditions and requirements as set forth by the director of the department or his or her designee.
4. When the court determines that the accused can comply with the bond and treatment conditions as referenced in subsection 3 of this section, the court shall order that the accused remain on bond while receiving treatment until the case is disposed of as set forth by subsection 12 of this section. If, at any time, the court finds that the accused has failed to comply with the bond and treatment conditions, the court may order that the accused be taken into law enforcement custody until such time as a department inpatient bed is available to provide treatment.
5. If the accused has pleaded lack of responsibility due to mental disease or defect or has given the written notice provided in subsection 2 of section 552.030, the court shall order the report of the examination conducted pursuant to this section to include, in addition to the information required in subsection 3 of this section, an opinion as to whether at the time of the alleged criminal conduct the accused, as a result of mental disease or defect, did not know or appreciate the nature, quality, or wrongfulness of his or her conduct or as a result of mental disease or defect was incapable of conforming his or her conduct to the requirements of law. A plea of not guilty by reason of mental disease or defect shall not be accepted by the court in the absence of any such pretrial evaluation which supports such a defense. In addition, if the accused has pleaded not guilty by reason of mental disease or defect, and the alleged crime is not a dangerous felony as defined in section 556.061, or those crimes set forth in subsection 10 of section 552.040, or the attempts thereof, the court shall order the report of the examination to include an opinion as to whether or not the accused should be immediately conditionally released by the court pursuant to the provisions of section 552.040 or should be committed to a mental health or developmental disability facility. If such an evaluation is conducted at the direction of the director of the department of mental health, the court shall also order the report of the examination to include an opinion as to the conditions of release which are consistent with the needs of the accused and the interest of public safety, including, but not limited to, the following factors:

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- (1) Location and degree of necessary supervision of housing;
- (2) Location of and responsibilities for appropriate psychiatric, rehabilitation and aftercare services, including the frequency of such services;
- (3) Medication follow-up, including necessary testing to monitor medication compliance;
- (4) At least monthly contact with the department's forensic case monitor;
- (5) Any other conditions or supervision as may be warranted by the circumstances of the case.

[5.] 6. If the report contains the recommendation that the accused should be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed, and if the accused is not admitted to bail or released on other conditions, the court may order that the accused be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed.

[6.] 7. The clerk of the court shall deliver copies of the report to the prosecuting or circuit attorney and to the accused or his or her counsel. The report shall not be a public record or open to the public. Within ten days after the filing of the report, both the defendant and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subsection shall be completed and a report filed with the court within sixty days of the date it is received by the department or private psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise. A copy shall be furnished the opposing party.

[7.] 8. If neither the state nor the accused nor his or her counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subsections 2 and 3 of this section, the court [may] shall make a determination and finding on the basis of the report filed or [may] hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The court shall determine the issue of mental fitness to proceed and may impanel a jury of six persons to assist in making the determination. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue.

[8.] 9. At a hearing on the issue pursuant to subsection [7] 8 of this section, the accused is presumed to have the mental fitness to proceed. The burden of proving that the accused does not have the mental fitness to proceed is by a preponderance of the evidence and the burden of going forward with the evidence is on the party raising the issue. The burden of going forward shall be on the state if the court raises the issue.

[9.] 10. If the court determines that the accused lacks mental fitness to proceed, the criminal proceedings shall be suspended and the court shall commit him or her to the director of the department of mental health. The director of the department, or his or her designee, shall notify the court and the parties of the location and conditions for treatment. After the person has been committed, legal counsel for the department of mental health shall have standing to file motions and participate in hearings on the issue of involuntary medications.

[10.] 11. Any person committed pursuant to subsection [9] 10 of this section shall be entitled to the writ of habeas corpus upon proper petition to the court that committed him or her. The issue of the mental fitness to proceed after commitment under subsection [9] 10 of this section may also be raised by a motion filed by the director of the department of mental health or by the state, alleging the mental fitness of the accused to proceed. A report relating to the issue of the accused's mental fitness to proceed may be attached thereto. When a motion to proceed is filed, legal counsel for the department of mental health shall have standing to participate in hearings on such motions. If the motion is not contested by the accused or his or her counsel or if after a hearing on a motion the court finds the accused mentally

fit to proceed, or if he or she is ordered discharged from the director's custody upon a habeas corpus hearing, the criminal proceedings shall be resumed.

[11.] 12. The following provisions shall apply after a commitment as provided in this section:

(1) Six months after such commitment, the court which ordered the accused committed shall order an examination by the head of the facility in which the accused is committed, or a qualified designee, to ascertain whether the accused is mentally fit to proceed and if not, whether there is a substantial probability that the accused will attain the mental fitness to proceed to trial in the foreseeable future. The order shall direct that written report or reports of the examination be filed with the clerk of the court within thirty days and the clerk shall deliver copies to the prosecuting attorney or circuit attorney and to the accused or his or her counsel. The report required by this subsection shall conform to the requirements under subsection 3 of this section with the additional requirement that it include an opinion, if the accused lacks mental fitness to proceed, as to whether there is a substantial probability that the accused will attain the mental fitness to proceed in the foreseeable future;

(2) Within ten days after the filing of the report, both the accused and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subdivision shall be completed and filed with the court within thirty days unless the court, for good cause, orders otherwise. A copy shall be furnished to the opposing party;

(3) If neither the state nor the accused nor his or her counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subdivision (1) of this subsection, the court may make a determination and finding on the basis of the report filed, or may hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein relative to fitness to proceed shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue;

(4) If the accused is found mentally fit to proceed, the criminal proceedings shall be resumed;

(5) If it is found that the accused lacks mental fitness to proceed but there is a substantial probability the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall continue such commitment for a period not longer than six months, after which the court shall reinstitute the proceedings required under subdivision (1) of this subsection;

(6) If it is found that the accused lacks mental fitness to proceed and there is no substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall dismiss the charges without prejudice and the accused shall be discharged, but only if proper proceedings have been filed under chapter 632 or chapter 475, in which case those sections and no others will be applicable. The probate division of the circuit court shall have concurrent jurisdiction over the accused upon the filing of a proper pleading to determine if the accused shall be involuntarily detained under chapter 632, or to determine if the accused shall be declared incapacitated under chapter 475, and approved for admission by the guardian under section 632.120 or 633.120, to a mental health or developmental disability facility. When such proceedings are filed, the criminal charges shall be dismissed without prejudice if the court finds that the accused is mentally ill and should be committed or that he or she is incapacitated and should have a guardian appointed. The period of limitation on prosecuting any criminal offense shall be tolled during the period that the accused lacks mental fitness to proceed.

[12.] 13. If the question of the accused's mental fitness to proceed was raised after a jury was impaneled to try the issues raised by a plea of not guilty and the court determines that the accused lacks the mental fitness to proceed or orders the accused committed for an examination pursuant to this section, the court may declare a mistrial. Declaration of a mistrial under these circumstances, or

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dismissal of the charges pursuant to subsection ~~[11]~~ 12 of this section, does not constitute jeopardy, nor does it prohibit the trial, sentencing or execution of the accused for the same offense after he or she has been found restored to competency.

~~[13.]~~ 14. The result of any examinations made pursuant to this section shall not be a public record or open to the public.

~~[14.]~~ 15. No statement made by the accused in the course of any examination or treatment pursuant to this section and no information received by any examiner or other person in the course thereof, whether such examination or treatment was made with or without the consent of the accused or upon his or her motion or upon that of others, shall be admitted in evidence against the accused on the issue of guilt in any criminal proceeding then or thereafter pending in any court, state or federal. A finding by the court that the accused is mentally fit to proceed shall in no way prejudice the accused in a defense to the crime charged on the ground that at the time thereof he or she was afflicted with a mental disease or defect excluding responsibility, nor shall such finding by the court be introduced in evidence on that issue nor otherwise be brought to the notice of the jury.

552.030. MENTAL DISEASE OR DEFECT, NOT GUILTY PLEA BASED ON — EVIDENCE — NOTICE OF DEFENSE — EXAMINATION, REPORTS CONFIDENTIAL — STATEMENTS NOT ADMISSIBLE, EXCEPTION — PRESUMPTION OF COMPETENCY — VERDICT CONTENTS — ORDER OF COMMITMENT TO DEPARTMENT. — 1. A person is not responsible for criminal conduct if, at the time of such conduct, as a result of mental disease or defect such person was incapable of knowing and appreciating the nature, quality, or wrongfulness of such person's conduct.

2. Evidence of mental disease or defect excluding responsibility shall not be admissible at trial of the accused unless the accused, at the time of entering such accused's plea to the charge, pleads not guilty by reason of mental disease or defect excluding responsibility, or unless within ten days after a plea of not guilty, or at such later date as the court may for good cause permit, the accused files a written notice of such accused's purpose to rely on such defense. Such a plea or notice shall not deprive the accused of other defenses. The state may accept a defense of mental disease or defect excluding responsibility, whether raised by plea or written notice, if the accused has no other defense and files a written notice to that effect. The state shall not accept a defense of mental disease or defect excluding responsibility in the absence of any pretrial evaluation as described in this section or section 552.020. Upon the state's acceptance of the defense of mental disease or defect excluding responsibility, the court shall proceed to order the commitment of the accused as provided in section 552.040 in cases of persons acquitted on the ground of mental disease or defect excluding responsibility, and further proceedings shall be had regarding the confinement and release of the accused as provided in section 552.040.

3. Whenever the accused has pleaded mental disease or defect excluding responsibility or has given the written notice provided in subsection 2 of this section, and such defense has not been accepted as provided in subsection 2 of this section, the court shall, after notice and upon motion of either the state or the accused, by order of record, appoint one or more private psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, who are neither employees nor contractors of the department of mental health for purposes of performing the examination in question, to examine the accused, or shall direct the director of the department of mental health, or the director's designee, to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness designated by the director, or the director's designee, as qualified to perform examinations pursuant to this chapter. The order shall direct that written report or reports of such examination be filed with the clerk of the court. No private psychiatrist, psychologist, or physician shall be appointed by the court unless such psychiatrist, psychologist or physician has

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consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that, if the order directs the director of the department of mental health to have the accused examined, the director, or the director's designee, shall determine the time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses and may require the provision of police reports to the department for use in evaluation. If an examination provided in section 552.020 was made and the report of such examination included an opinion as to whether, at the time of the alleged criminal conduct, the accused, as a result of mental disease or defect, did not know or appreciate the nature, quality or wrongfulness of such accused's conduct or as a result of mental disease or defect was incapable of conforming such accused's conduct to the requirements of law, such report may be received in evidence, and no new examination shall be required by the court unless, in the discretion of the court, another examination is necessary. If an examination is ordered pursuant to this section, the report shall contain the information required in subsections 3 and ~~4~~ 5 of section 552.020. Within ten days after receiving a copy of such report, both the accused and the state shall, upon written request, be entitled to an order granting them an examination of the accused by an examiner of such accused's or its own choosing and at such accused's or its expense. The clerk of the court shall deliver copies of the report or reports to the prosecuting or circuit attorney and to the accused or his counsel. No reports required by this subsection shall be public records or be open to the public. Any examination performed pursuant to this subsection shall be completed and the results shall be filed with the court within sixty days of the date it is received by the department or private psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise.

4. If the report contains the recommendation that the accused should be held in custody in a suitable hospital facility pending trial, and if the accused is not admitted to bail, or released on other conditions, the court may order that the accused be committed to or held in a suitable hospital facility pending trial.

5. No statement made by the accused in the course of any such examination and no information received by any physician or other person in the course thereof, whether such examination was made with or without the consent of the accused or upon the accused's motion or upon that of others, shall be admitted in evidence against the accused on the issue of whether the accused committed the act charged against the accused in any criminal proceeding then or thereafter pending in any court, state or federal. The statement or information shall be admissible in evidence for or against the accused only on the issue of the accused's mental condition, whether or not it would otherwise be deemed to be a privileged communication. If the statement or information is admitted for or against the accused on the issue of the accused's mental condition, the court shall, both orally at the time of its admission and later by instruction, inform the jury that it must not consider such statement or information as any evidence of whether the accused committed the act charged against the accused.

6. All persons are presumed to be free of mental disease or defect excluding responsibility for their conduct, whether or not previously adjudicated in this or any other state to be or to have been sexual or social psychopaths, or incompetent; provided, however, the court may admit evidence presented at such adjudication based on its probative value. The issue of whether any person had a mental disease or defect excluding responsibility for such person's conduct is one for the trier of fact to decide upon the introduction of substantial evidence of lack of such responsibility. But, in the absence of such evidence, the presumption shall be conclusive. Upon the introduction of substantial evidence of lack of such responsibility, the presumption shall not disappear and shall alone be sufficient to take that issue to the trier of fact. The jury shall be instructed as to the existence and nature of such presumption when requested by the state and, where the issue of such responsibility is one for the jury to decide, the jury shall be told that the burden rests upon the accused to show by a preponderance or greater weight of the credible evidence that the defendant was suffering from a mental disease or defect excluding responsibility at the time of the conduct charged against the defendant. At the request of the defense the jury shall be instructed by the court as to the contents of subsection 2 of section 552.040.

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Matter underscored is proposed language.

7. When the accused is acquitted on the ground of mental disease or defect excluding responsibility, the verdict and the judgment shall so state as well as state the offense for which the accused was acquitted. The clerk of the court shall furnish a copy of any judgment or order of commitment to the department of mental health pursuant to this section to the criminal records central repository pursuant to section 43.503.

552.040. ACQUITTAL BASED ON MENTAL DISEASE OR DEFECT, COMMITMENT TO STATE HOSPITAL REQUIRED — DEFINITIONS — IMMEDIATE CONDITIONAL RELEASE — CONDITIONAL OR UNCONDITIONAL RELEASE, WHEN — PRIOR COMMITMENT, AUTHORITY TO REVOKE — APPLICATIONS FOR RELEASE, NOTICE, BURDEN OF PERSUASION, CRITERIA — HEARINGS REQUIRED, WHEN — DENIAL, REAPPLICATION — ESCAPE, NOTICE — ADDITIONAL CRITERIA FOR RELEASE. — 1. For the purposes of this section, the following words mean:

(1) "Prosecutor of the jurisdiction", the prosecuting attorney in a county or the circuit attorney of a city not within a county;

(2) "Secure facility", a state mental health facility, state developmental disability facility, private facility under contract with the department of mental health, or a section within any of these facilities, in which persons committed to the department of mental health pursuant to this chapter shall not be permitted to move about the facility or section of the facility, nor to leave the facility or section of the facility, without approval by the head of the facility or such head's designee and adequate supervision consistent with the safety of the public and the person's treatment, habilitation or rehabilitation plan;

(3) "Tried and acquitted" includes both pleas of mental disease or defect excluding responsibility that are accepted by the court and acquittals on the ground of mental disease or defect excluding responsibility following the proceedings set forth in section 552.030.

2. When an accused is tried and acquitted on the ground of mental disease or defect excluding responsibility, the court shall order such person committed to the director of the department of mental health for custody. The court shall also order custody and care in a state mental health or intellectual disability facility unless an immediate conditional release is granted pursuant to this section. If the accused has not been charged with a dangerous felony as defined in section 556.061, or with murder in the first degree pursuant to section 565.020, or sexual assault pursuant to section 566.040, or the attempts thereof, and the examination contains an opinion that the accused should be immediately conditionally released to the community by the court, the court shall hold a hearing to determine if an immediate conditional release is appropriate pursuant to the procedures for conditional release set out in subsections 10 to 14 of this section. Prior to the hearing, the court shall direct the director of the department of mental health, or the director's designee, to have the accused examined to determine conditions of confinement in accordance with subsection [4] 5 of section 552.020. The provisions of subsection 16 of this section shall be applicable to defendants granted an immediate conditional release and the director shall honor the immediate conditional release as granted by the court. If the court determines that an immediate conditional release is warranted, the court shall order the person committed to the director of the department of mental health before ordering such a release. The court granting the immediate conditional release shall retain jurisdiction over the case for the duration of the conditional release. This shall not limit the authority of the director of the department of mental health or the director's designee to revoke the conditional release or the trial release of any committed person pursuant to subsection 17 of this section. If the accused is committed to a mental health or developmental disability facility, the director of the department of mental health, or the director's designee, shall determine the time, place and conditions of confinement.

3. The provisions of sections 630.110, 630.115, 630.130, 630.133, 630.135, 630.140, 630.145, 630.150, 630.180, 630.183, 630.192, 630.194, 630.196, 630.198, 630.805, 632.370, 632.395, and 632.435 shall apply to persons committed pursuant to subsection 2 of this section. If the department does not have a treatment or rehabilitation program for a mental disease or defect of an individual, that

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fact may not be the basis for a release from commitment. Notwithstanding any other provision of law to the contrary, no person committed to the department of mental health who has been tried and acquitted by reason of mental disease or defect as provided in section 552.030 shall be conditionally or unconditionally released unless the procedures set out in this section are followed. Upon request by an indigent committed person, the appropriate court may appoint the office of the public defender to represent such person in any conditional or unconditional release proceeding under this section.

4. Notwithstanding section 630.115, any person committed pursuant to subsection 2 of this section shall be kept in a secure facility until such time as a court of competent jurisdiction enters an order granting a conditional or unconditional release to a nonsecure facility.

5. The committed person or the head of the facility where the person is committed may file an application in the court that committed the person seeking an order releasing the committed person unconditionally; except that any person who has been denied an application for a conditional release pursuant to subsection 13 of this section shall not be eligible to file for an unconditional release until the expiration of one year from such denial. In the case of a person who was immediately conditionally released after being committed to the department of mental health, the released person or the director of the department of mental health, or the director's designee, may file an application in the same court that released the committed person seeking an order releasing the committed person unconditionally. Copies of the application shall be served personally or by certified mail upon the head of the facility unless the head of the facility files the application, the committed person unless the committed person files the application, or unless the committed person was immediately conditionally released, the director of the department of mental health, and the prosecutor of the jurisdiction where the committed person was tried and acquitted. Any party objecting to the proposed release must do so in writing within thirty days after service. Within a reasonable period of time after any written objection is filed, which period shall not exceed sixty days unless otherwise agreed upon by the parties, the court shall hold a hearing upon notice to the committed person, the head of the facility, if necessary, the director of the department of mental health, and the prosecutor of the jurisdiction where the person was tried. Prior to the hearing any of the parties, upon written application, shall be entitled to an examination of the committed person, by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to intellectually disabled or mentally ill individuals of its own choosing and at its expense. The report of the mental condition of the committed person shall accompany the application. By agreement of all parties to the proceeding any report of the mental condition of the committed person which may accompany the application for release or which is filed in objection thereto may be received by evidence, but the party contesting any opinion therein shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue.

6. By agreement of all the parties and leave of court, the hearing may be waived, in which case an order granting an unconditional release shall be entered in accordance with subsection 8 of this section.

7. At a hearing to determine if the committed person should be unconditionally released, the court shall consider the following factors in addition to any other relevant evidence:

- (1) Whether or not the committed person presently has a mental disease or defect;
- (2) The nature of the offense for which the committed person was committed;
- (3) The committed person's behavior while confined in a mental health facility;
- (4) The elapsed time between the hearing and the last reported unlawful or dangerous act;
- (5) Whether the person has had conditional releases without incident; and
- (6) Whether the determination that the committed person is not dangerous to himself or others is dependent on the person's taking drugs, medicine or narcotics.

The burden of persuasion for any person committed to a mental health facility under the provisions of this section upon acquittal on the grounds of mental disease or defect excluding responsibility shall be

on the party seeking unconditional release to prove by clear and convincing evidence that the person for whom unconditional release is sought does not have, and in the reasonable future is not likely to have, a mental disease or defect rendering the person dangerous to the safety of himself or others.

8. The court shall enter an order either denying the application for unconditional release or granting an unconditional release. An order denying the application shall be without prejudice to the filing of another application after the expiration of one year from the denial of the last application.

9. No committed person shall be unconditionally released unless it is determined through the procedures in this section that the person does not have, and in the reasonable future is not likely to have, a mental disease or defect rendering the person dangerous to the safety of himself or others.

10. The committed person or the head of the facility where the person is committed may file an application in the court having probate jurisdiction over the facility where the person is detained for a hearing to determine whether the committed person shall be released conditionally. In the case of a person committed to a mental health facility upon acquittal on the grounds of mental disease or defect excluding responsibility for a dangerous felony as defined in section 556.061, murder in the first degree pursuant to section 565.020, or sexual assault pursuant to section 566.040, any such application shall be filed in the court that committed the person. In such cases, jurisdiction over the application for conditional release shall be in the committing court. In the case of a person who was immediately conditionally released after being committed to the department of mental health, the released person or the director of the department of mental health, or the director's designee, may file an application in the same court that released the person seeking to amend or modify the existing release. The procedures for application for unconditional releases set out in subsection 5 of this section shall apply, with the following additional requirements:

(1) A copy of the application shall also be served upon the prosecutor of the jurisdiction where the person is being detained, unless the released person was immediately conditionally released after being committed to the department of mental health, or unless the application was required to be filed in the court that committed the person in which case a copy of the application shall be served upon the prosecutor of the jurisdiction where the person was tried and acquitted and the prosecutor of the jurisdiction into which the committed person is to be released;

(2) The prosecutor of the jurisdiction where the person was tried and acquitted shall use their best efforts to notify the victims of dangerous felonies. Notification by the appropriate person or agency by certified mail to the most current address provided by the victim shall constitute compliance with the victim notification requirement of this section;

(3) The application shall specify the conditions and duration of the proposed release;

(4) The prosecutor of the jurisdiction where the person is being detained shall represent the public safety interest at the hearing unless the prosecutor of the jurisdiction where the person was tried and acquitted decides to appear to represent the public safety interest.

If the application for release was required to be filed in the committing court, the prosecutor of the jurisdiction where the person was tried and acquitted shall represent the public safety interest. In the case of a person who was immediately conditionally released after being committed to the department of mental health, the prosecutor of the jurisdiction where the person was tried and acquitted shall appear and represent the public safety interest.

11. By agreement of all the parties, the hearing may be waived, in which case an order granting a conditional release, stating the conditions and duration agreed upon by all the parties and the court, shall be entered in accordance with subsection 13 of this section.

12. At a hearing to determine if the committed person should be conditionally released, the court shall consider the following factors in addition to any other relevant evidence:

(1) The nature of the offense for which the committed person was committed;

(2) The person's behavior while confined in a mental health facility;

- (3) The elapsed time between the hearing and the last reported unlawful or dangerous act;
- (4) The nature of the person's proposed release plan;
- (5) The presence or absence in the community of family or others willing to take responsibility to help the defendant adhere to the conditions of the release; and
- (6) Whether the person has had previous conditional releases without incident.

The burden of persuasion for any person committed to a mental health facility under the provisions of this section upon acquittal on the grounds of mental disease or defect excluding responsibility shall be on the party seeking release to prove by clear and convincing evidence that the person for whom release is sought is not likely to be dangerous to others while on conditional release.

13. The court shall enter an order either denying the application for a conditional release or granting conditional release. An order denying the application shall be without prejudice to the filing of another application after the expiration of one year from the denial of the last application.

14. No committed person shall be conditionally released until it is determined that the committed person is not likely to be dangerous to others while on conditional release.

15. If, in the opinion of the head of a facility where a committed person is being detained, that person can be released without danger to others, that person may be released from the facility for a trial release of up to ninety-six hours under the following procedure:

(1) The head of the facility where the person is committed shall notify the prosecutor of the jurisdiction where the committed person was tried and acquitted and the prosecutor of the jurisdiction into which the committed person is to be released at least thirty days before the date of the proposed trial release;

(2) The notice shall specify the conditions and duration of the release;

(3) If no prosecutor to whom notice is required objects to the trial release, the committed person shall be released according to conditions and duration specified in the notice;

(4) If any prosecutor objects to the trial release, the head of the facility may file an application with the court having probate jurisdiction over the facility where the person is detained for a hearing under the procedures set out in subsections 5 and 10 of this section with the following additional requirements:

(a) A copy of the application shall also be served upon the prosecutor of the jurisdiction into which the committed person is to be released; and

(b) The prosecutor or prosecutors who objected to the trial release shall represent the public safety interest at the hearing; and

(5) The release criteria of subsections 12 to 14 of this section shall apply at such a hearing.

16. The department shall provide or shall arrange for follow-up care and monitoring for all persons conditionally released under this section and shall make or arrange for reviews and visits with the client at least monthly, or more frequently as set out in the release plan, and whether the client is receiving care, treatment, habilitation or rehabilitation consistent with his needs, condition and public safety. The department shall identify the facilities, programs or specialized services operated or funded by the department which shall provide necessary levels of follow-up care, aftercare, rehabilitation or treatment to the persons in geographical areas where they are released.

17. The director of the department of mental health, or the director's designee, may revoke the conditional release or the trial release and request the return of the committed person if such director or coordinator has reasonable cause to believe that the person has violated the conditions of such release. If requested to do so by the director or coordinator, a peace officer of a jurisdiction in which a patient on conditional release is found shall apprehend and return such patient to the facility. No peace officer responsible for apprehending and returning the committed person to the facility upon the request of the director or coordinator shall be civilly liable for apprehending or transporting such patient to the facility so long as such duties were performed in good faith and without negligence. If a person on conditional release is returned to a facility under the provisions of this subsection, a hearing shall be held within

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ninety-six hours, excluding Saturdays, Sundays and state holidays, to determine whether the person violated the conditions of the release or whether resumption of full-time hospitalization is the least restrictive alternative consistent with the person's needs and public safety. The director of the department of mental health, or the director's designee, shall conduct the hearing. The person shall be given notice at least twenty-four hours in advance of the hearing and shall have the right to have an advocate present.

18. At any time during the period of a conditional release or trial release, the court which ordered the release may issue a notice to the released person to appear to answer a charge of a violation of the terms of the release and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the released person. The warrant shall authorize the return of the released person to the custody of the court or to the custody of the director of mental health or the director's designee.

19. The head of a mental health facility, upon any notice that a committed person has escaped confinement, or left the facility or its grounds without authorization, shall immediately notify the prosecutor and sheriff of the county wherein the committed person is detained of the escape or unauthorized leaving of grounds and the prosecutor and sheriff of the county where the person was tried and acquitted.

20. Any person committed to a mental health facility under the provisions of this section upon acquittal on the grounds of mental disease or defect excluding responsibility for a dangerous felony as defined in section 556.061, murder in the first degree pursuant to section 565.020, or sexual assault pursuant to section 566.040 shall not be eligible for conditional or unconditional release under the provisions of this section unless, in addition to the requirements of this section, the court finds that the following criteria are met:

(1) Such person is not now and is not likely in the reasonable future to commit another violent crime against another person because of such person's mental illness; and

(2) Such person is aware of the nature of the violent crime committed against another person and presently possesses the capacity to appreciate the criminality of the violent crime against another person and the capacity to conform such person's conduct to the requirements of law in the future.

552.050. MENTAL ILLNESS DURING SERVICE OF SENTENCE, PROCEEDINGS RELATING THERETO. — 1. If the chief administrative officer of any correctional facility has reasonable cause to believe that any offender needs care in a mental hospital, he or she shall so certify to the division of classification and treatment, which shall then transfer the offender to a state mental hospital for custody, care and treatment. The hospital may detain and treat the offender for a period of time not to exceed ninety-six hours. At the expiration of the ninety-six hours, the offender shall be returned to a correctional facility designated by the department of corrections unless the individual admits himself or herself as a voluntary patient or the [mental health coordinator or] head of the facility files for involuntary detention and treatment pursuant to chapter 632. The petition filed pursuant to section 632.330 shall be filed in the court having probate jurisdiction over the mental health facility in which the offender is being detained. The offender shall have the rights afforded respondents in sections 632.330 and 632.335, except that at the conclusion of the hearing on the petition the court may order the offender detained for a period of time not to exceed ninety days. At the expiration of the ninety-day commitment period ordered by the court, the offender may be detained and treated involuntarily for up to an additional one year under sections 632.355 and 632.360.

2. When an offender needs care in a mental hospital and is committed or transferred to a state mental hospital, the time spent at the mental hospital shall be calculated as a part of the sentence imposed upon him or her whether the sentence is an indeterminate one or for a definite period of time. The time spent at the mental hospital shall be deducted from the term of the sentence.

3. When an offender who has been transferred from a correctional facility to a state mental hospital recovers before the expiration of his or her sentence, the superintendent of the hospital shall so certify

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in writing to the division of classification and treatment. He or she shall thereupon be transferred to such correctional facility as the department may direct.

4. An offender who has been committed to or transferred to a state mental hospital and is still mentally ill at the expiration of his or her sentence may be discharged and delivered to any person who is able and willing to maintain him or her comfortably and to the satisfaction of the superintendent of the hospital, if, in the opinion of the superintendent, it is reasonably safe for the person to be at large. Before discharging the offender the superintendent shall receive verification of the expiration of the offender's sentence from the director of corrections. The person so discharged may, in the discretion of the superintendent, be provided with the whole or a portion of the allowances granted to discharged prisoners by section 217.285. The cost of such allowance shall be paid from the same funds as are allowances granted to persons discharged directly from a correctional facility.

5. When the term of an offender who has been committed or transferred to a state mental hospital has expired and the person, in the opinion of the hospital superintendent, is still in need of care in a mental hospital and for the welfare and safety of himself [and] or herself or others should remain in the hospital for custody, care and treatment, he or she shall be retained in the hospital only if proper involuntary detention proceedings have been instituted and held as provided in chapter 632. Thereafter this chapter and no other shall be applicable to his or her continued hospitalization and discharge.

552.080. COURT COSTS, EXAMINATION FEES, CARE AND TREATMENT, TRANSPORTATION, HOW PAID. — 1. Notwithstanding any other provisions of law, the court in which the proceedings are pending shall, upon application and approval, order the payment of or tax as costs the following expenses and fees, which in each case shall be reasonable, and so found by the court:

(1) Expenses and fees for examinations, reports and expert testimony of private psychiatrists who are neither employees nor contractors of the department of mental health for purposes of performing such services and who are appointed by the court to examine the accused under sections 552.020 and 552.030;

(2) The expenses of conveying any prisoner from a jail to a facility of the department of mental health and the expense of returning him to a jail under the provisions of section 552.020, 552.030, 552.040 or 552.050.

Such expenses and fees shall be paid, no matter how taxed as costs or collected, by the state, county or defendant, when liable for such costs under the provisions of chapter 550. Such order may be made at any time before or after the final disposition of the case and whether or not the accused is convicted or sentenced to the custody of the division of corrections or county jail, as the case may be, or placed upon probation or granted parole.

2. The expenses and fees provided in subsection 1 of this section may be levied and collected under execution; except that, if the state or county has by inadvertence or mistake paid expenses or fees as provided in subsection 1 of this section, the political entity having made such a mistake or inadvertent payment shall be entitled to recover the same from the entity responsible for such payment.

3. If a person is ordered held or hospitalized by the director of the department of mental health or in one of the facilities of the department of mental health pursuant to the following provisions, the liability for hospitalization shall be paid by the person, his estate or those responsible for his support in accordance with chapter 630:

(1) Following determination of lack of mental fitness to proceed under subsection [7] 8 of section 552.020;

(2) Following acquittal because of lack of responsibility due to mental disease or defect under section 552.030, and subsequent order of commitment to the director of the department of mental health under section 552.040.

4. The method of collecting the costs and expenses herein provided or otherwise incurred in connection with the custody, examination, trial, transportation or treatment of any person accused or convicted of any offense shall not be exclusive and same may be collected in any other manner provided by law.

630.045. APPOINTMENT OF PERSONS FOR CIVIL INVOLUNTARY DETENTION ACTIONS. — The director of the department may authorize such persons[, including mental health coordinators,] as are necessary to carry out the civil involuntary detention requirements of chapter 632.

630.140. RECORDS CONFIDENTIAL, WHEN — MAY BE DISCLOSED, TO WHOM, HOW, WHEN — RELEASE TO BE DOCUMENTED — COURT RECORDS CONFIDENTIAL, EXCEPTIONS. — 1. Information and records compiled, obtained, prepared or maintained by the residential facility, mental health program operated, funded or licensed by the department or otherwise, specialized service, or by any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632 in the course of providing services to either voluntary or involuntary patients, residents or clients shall be confidential.

2. The facilities or programs shall disclose information and records including medication given, dosage levels, and individual ordering such medication to the following upon their request:

- (1) The parent of a minor patient, resident or client;
- (2) The guardian or other person having legal custody of the patient, resident or client;
- (3) The attorney of a patient, resident or client who is a ward of the juvenile court, an alleged incompetent, an incompetent ward or a person detained under chapter 632, as evidenced by court orders of the attorney's appointment;

(4) An attorney or personal physician as authorized by the patient, resident or client;

(5) Law enforcement officers and agencies, information about patients, residents or clients committed pursuant to chapter 552, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement officers shall be obligated to keep such information confidential;

(6) The entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. Sections 15042 to 15044. The entity or agency shall be able to obtain access to the records of a person with developmental disabilities who is a client of the entity or agency if such person has authorized the entity or agency to have such access; and the records of any person with developmental disabilities who, by reason of mental or physical condition is unable to authorize the entity or agency to have such access, if such person does not have a legal guardian, conservator or other legal representative, and a complaint has been received by the entity or agency with respect to such person or there is probable cause to believe that such person has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section;

(7) The entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. Section 10801 et seq., as amended, shall be able to obtain access to the records of a patient, resident or client who by reason of mental or physical condition is unable to authorize the system to have such access, who does not have a legal guardian, conservator or other legal representative and with respect to whom a complaint has been received by the system or there is probable cause to believe that such individual has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section. The provisions of this subdivision shall apply to a person who has a significant mental illness or impairment as determined by a mental health professional qualified under the laws and regulations of the state; and

(8) [To mental health coordinators, but only to the extent necessary to carry out their duties under chapter 632;

(9)] To individuals, designated by the department of mental health as community mental health liaisons, for the purpose of coordination of care and services.

3. The facilities or services may disclose information and records under any of the following:

(1) As authorized by the patient, resident or client;

(2) To persons or agencies responsible for providing health care services to such patients, residents or clients as permitted by the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended;

(3) To the extent necessary for a recipient to make a claim or for a claim to be made on behalf of a recipient for aid or insurance;

(4) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, program evaluations or similar studies; provided, that such personnel shall not identify, directly or indirectly, any individual patient, resident or client in any report of such research, audit or evaluation, or otherwise disclose patient, resident or client identities in any manner;

(5) To the courts as necessary for the administration of chapter 211, 475, 552, or 632;

(6) To law enforcement officers or public health officers, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement and public health officers shall be obligated to keep such information confidential;

(7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

(8) To the attorney representing petitioners, but only to the extent necessary to carry out their duties under chapter 632;

(9) To the department of social services or the department of health and senior services as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents, or clients;

(10) To a county board established pursuant to sections 205.968 to [205.972, RSMo 1986] 205.973, but only to the extent necessary to carry out their statutory responsibilities. The county board shall not identify, directly or indirectly, any individual patient, resident or client;

(11) To parents, legal guardians, treatment professionals, law enforcement officers, and other individuals who by having such information could mitigate the likelihood of a suicide. The facility treatment team shall have determined that the consumer's safety is at some level of risk;

(12) To individuals, designated by the department of mental health as community mental health liaisons, for the purpose of coordination of care and services.

4. The facility or program shall document the dates, nature, purposes and recipients of any records disclosed under this section and sections 630.145 and 630.150.

5. The records and files maintained in any court proceeding under chapter 632 shall be confidential and available only to the patient, the patient's attorney, guardian, or, in the case of a minor, to a parent or other person having legal custody of the patient, to the petitioner and the petitioner's attorney, and to the Missouri state highway patrol for reporting to the National Instant Criminal Background Check System (NICS), and to individuals designated by the department of mental health as community mental health liaisons for the purpose of coordination of care and services. In addition, the court may order the release or use of such records or files only upon good cause shown, and the court may impose such restrictions as the court deems appropriate.

6. Nothing contained in this chapter shall limit the rights of discovery in judicial or administrative procedures as otherwise provided for by statute or rule.

7. The fact of admission of a voluntary or involuntary patient to a mental health facility under chapter 632 may only be disclosed as specified in subsections 2 and 3 of this section.

630.175. PHYSICAL AND CHEMICAL RESTRAINTS PROHIBITED, EXCEPTIONS — REQUIREMENTS FOR COLLABORATIVE PRACTICE ARRANGEMENTS — SECURITY ESCORT

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Matter underscored is proposed language.

DEVICES AND CERTAIN EXTRAORDINARY MEASURES NOT CONSIDERED PHYSICAL RESTRAINT.

— 1. No person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people are civilly detained pursuant to chapter 632 and no patient, resident or client of a residential facility or day program operated, funded or licensed by the department shall be subject to physical or chemical restraint, isolation or seclusion unless it is determined by the head of the facility, the attending licensed physician, or in the circumstances specifically set forth in this section, by an advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a collaborative practice arrangement, with the attending licensed physician that the chosen intervention is imminently necessary to protect the health and safety of the patient, resident, client or others and that it provides the least restrictive environment. An advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a collaborative practice arrangement, with the attending licensed physician may make a determination that the chosen intervention is necessary for patients, residents, or clients of facilities or programs operated by the department, in hospitals as defined in section 197.020 that only provide psychiatric care and in dedicated psychiatric units of general acute care hospitals as hospitals are defined in section 197.020. Any determination made by the advanced practice registered nurse, physician assistant, or assistant physician shall be documented as required in subsection 2 of this section and reviewed in person by the attending licensed physician if the episode of restraint is to extend beyond:

- (1) Four hours duration in the case of a person under eighteen years of age;
- (2) Eight hours duration in the case of a person eighteen years of age or older; or
- (3) For any total length of restraint lasting more than four hours duration in a twenty-four-hour period in the case of a person under eighteen years of age or beyond eight hours duration in the case of a person eighteen years of age or older in a twenty-four-hour period.

The review shall occur prior to the time limit specified under subsection 6 of this section and shall be documented by the licensed physician under subsection 2 of this section.

2. Every use of physical or chemical restraint, isolation or seclusion and the reasons therefor shall be made a part of the clinical record of the patient, resident or client under the signature of the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a collaborative practice arrangement, with the attending licensed physician.

3. Physical or chemical restraint, isolation or seclusion shall not be considered standard treatment or habilitation and shall cease as soon as the circumstances causing the need for such action have ended.

4. The use of security escort devices, including devices designed to restrict physical movement, which are used to maintain safety and security and to prevent escape during transport outside of a facility shall not be considered physical restraint within the meaning of this section. Individuals who have been civilly detained under sections ~~632.300~~ 632.305 to 632.475 may be placed in security escort devices when transported outside of the facility if it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a collaborative practice arrangement, with the attending licensed physician that the use of security escort devices is necessary to protect the health and safety of the patient, resident, client, or other persons or is necessary to prevent escape. Individuals who have been civilly detained under sections 632.480 to 632.513 or committed under chapter 552 shall be placed in security escort devices when transported outside of the facility unless it is determined by the head of the facility, or the attending licensed physician, or the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a collaborative practice arrangement, with the attending licensed physician that security escort devices are not necessary to protect the health and safety of the patient, resident, client, or other persons or is not necessary to prevent escape.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

5. Extraordinary measures employed by the head of the facility to ensure the safety and security of patients, residents, clients, and other persons during times of natural or man-made disasters shall not be considered restraint, isolation, or seclusion within the meaning of this section.

6. Orders issued under this section by the advanced practice registered nurse in a collaborative practice arrangement, or a physician assistant or an assistant physician with a collaborative practice arrangement, with the attending licensed physician shall be reviewed in person by the attending licensed physician of the facility within twenty-four hours or the next regular working day of the order being issued, and such review shall be documented in the clinical record of the patient, resident, or client.

7. For purposes of this subsection, "division" shall mean the division of developmental disabilities. Restraint or seclusion shall not be used in habilitation centers or community programs that serve persons with developmental disabilities that are operated or funded by the division unless such procedure is part of an emergency intervention system approved by the division and is identified in such person's individual support plan. Direct-care staff that serve persons with developmental disabilities in habilitation centers or community programs operated or funded by the division shall be trained in an emergency intervention system approved by the division when such emergency intervention system is identified in a consumer's individual support plan.

631.120. INVOLUNTARY DETENTION — REQUEST BY PROFESSIONALS — PROCEDURE — DURATION. — 1. A [mental health coordinator,] mental health professional, peace officer, registered nurse, licensed physician, or qualified counselor may complete an application for detention, treatment, or rehabilitation for up to ninety-six hours under the procedures of section 632.305 for a person presenting an imminent likelihood of serious harm to himself or herself or others as a result of alcohol or drug abuse, or both.

2. If a peace officer has reasonable cause to believe that unless a person is taken into custody the likelihood of serious harm is imminent as a result of alcohol or drug abuse, or both, the officer may take the person into custody and convey him or her to an alcohol or drug abuse facility. The officer shall complete an application for detention indicating the facts upon which the belief is based.

631.135. INFORMATION TO BE FURNISHED TO PATIENT AND OTHERS. — If a respondent is accepted for treatment and rehabilitation pursuant to this chapter, he or she shall be advised, orally and in writing, of the information contained in subdivisions (1) to (11) of this section. The respondent's guardian, if any, and, with the respondent's consent, a responsible member of the respondent's immediate family shall be advised if possible, either orally or in writing, of his or her admission to the facility. The personnel of the alcohol or drug abuse facility to which the respondent is taken shall advise the respondent that unless the respondent is released or voluntarily admits himself or herself within ninety-six hours of the initial detention:

(1) He or she may be detained for ninety-six hours from the time of his or her initial detention to receive treatment and rehabilitation;

(2) Within the ninety-six hours, the head of the alcohol or drug abuse facility [or the mental health coordinator] may file a petition to have him or her detained, after a court hearing, for an additional period not to exceed thirty days;

(3) He or she will be given a judicial hearing within two judicial days after the day the petition for additional detention is filed, unless continued for good cause;

(4) An attorney has been appointed who will represent him or her before and after the hearing and who will be notified as soon as possible; except that, he or she also has the right to private counsel of his or her own choosing and at his or her own expense;

(5) He or she has the right to communicate with counsel at all reasonable times and to have assistance in contacting such counsel;

(6) Anything he or she says to personnel at the alcohol or drug abuse facility may be used in making a determination regarding detention, may result in involuntary detention proceedings being filed concerning him or her, and may be used at the court hearing;

(7) He or she has the right to present evidence and to cross-examine witnesses who testify on behalf of the petitioner at the hearing;

(8) During the period prior to being examined by a licensed physician, he or she may refuse medication unless he or she presents an imminent likelihood of serious harm to himself or herself or others;

(9) He or she has the right to refuse medication except for lifesaving treatment beginning twenty-four hours prior to the hearing for thirty-day detention;

(10) He or she has the right to request that the hearing be held in his or her county of residence if he or she is a resident of this state; and

(11) He or she has the right to have an interpreter assist him or her to communicate at the facility or during the hearing, or both, if he or she has impaired hearing or does not speak English.

631.140. ADDITIONAL DETENTION MAY BE REQUESTED — CONTENTS OF PETITION. — 1.

At the expiration of the ninety-six-hour period, the respondent may be detained and treated involuntarily for an additional two judicial days only if the head of the alcohol or drug abuse facility [or a mental health coordinator] has filed a petition for additional detention not to exceed thirty days.

2. Within ninety-six hours following initial detention, the head of the facility [or the mental health coordinator] may file, or cause to be filed, a petition for a thirty-day involuntary detention, treatment, or rehabilitation period provided he or she has reasonable cause to believe that the person abuses alcohol or drugs and presents a likelihood of serious harm to himself or herself or others as a result of alcohol or drug abuse, or both. The court shall serve the petition and list of prospective witnesses for the petitioner upon the respondent and his or her attorney at least twenty-four hours before the hearing. [The head of the facility shall also notify the mental health coordinator if the petition is not filed by the mental health coordinator.] The petition shall:

(1) Allege that the respondent, by reason of alcohol or drug abuse, or both, presents a likelihood of serious harm to himself or herself or to others;

(2) Allege that the respondent is in need of continued detention, treatment, and rehabilitation;

(3) Allege the specific behavior of the respondent or the facts which support such conclusion;

(4) Allege that an alcohol or drug abuse facility which is appropriate to handle the respondent's condition has agreed to accept the respondent; and

(5) Be signed by a licensed physician who has examined the respondent.

631.150. FURTHER ADDITIONAL DETENTION MAY BE REQUESTED — HEARING TO BE HELD WHEN — TREATMENT PLAN TO BE PRESENTED. — 1.

Before the expiration of the thirty-day period of detention, treatment, and rehabilitation ordered pursuant to section 631.145, the court may order the respondent to be detained for treatment and rehabilitation for an additional period not to exceed ninety days; provided that:

(1) The respondent, as the result of alcohol or drug abuse, or both, continues to present a likelihood of serious harm to himself or herself or to others; and

(2) The court, after a hearing, orders the respondent detained for treatment and rehabilitation for the additional period.

2. If, within twenty-five days of the court hearing described in section 631.145, the head of the alcohol or drug abuse facility [or the mental health coordinator] has reasonable cause to believe that the respondent, as the result of alcohol or drug abuse, or both, presents a likelihood of serious harm to himself or herself or others, and believes that further detention and treatment is necessary, he or she shall file, or cause to be filed, with the court a petition for ninety days additional detention, treatment,

and rehabilitation. The court shall immediately set a date and time for a hearing on the petition, which shall take place within four judicial days of the date of the filing of the petition. The court shall serve a copy of the petition and the notice of the date and time of the hearing upon the petitioner, the respondent, and their attorneys as promptly as possible, but not later than two judicial days after the filing of the petition. The petitioner shall also file with the court, for the court to serve upon the respondent's attorney not later than two days after the filing of the petition, a list of the proposed witnesses for the petitioner. [The head of the alcohol or drug abuse facility shall notify the mental health coordinator if the petition is not filed by the mental health coordinator.] The petition shall comply with the requirements of section 631.140, and an individualized treatment and rehabilitation plan for the respondent shall be attached thereto.

631.165. TRANSFER OF PATIENT TO A MENTAL HEALTH FACILITY, WHEN, PROCEDURE. —

If the head of the alcohol or drug abuse facility finds that a person who is detained for treatment and rehabilitation is presenting a likelihood of serious harm as a result of mental disorder other than alcohol or drug abuse, or both, the head of the facility shall arrange for the transfer of the person to a mental health facility through [a mental health coordinator, or through] a licensed physician, registered professional nurse, qualified counselor or mental health professional designated by the mental health facility. The person may be detained for up to ninety-six hours for evaluation and treatment, under the procedures of sections 632.310, 632.315, 632.320 and 632.325, before filing a petition for further detention under sections 632.330 and 632.335.

632.005. DEFINITIONS. — As used in chapter 631 and this chapter, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Comprehensive psychiatric services", any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

(2) "Council", the Missouri advisory council for comprehensive psychiatric services;

(3) "Court", the court which has jurisdiction over the respondent or patient;

(4) "Division", the division of comprehensive psychiatric services of the department of mental health;

(5) "Division director", director of the division of comprehensive psychiatric services of the department of mental health, or his or her designee;

(6) "Head of mental health facility", superintendent or other chief administrative officer of a mental health facility, or his or her designee;

(7) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

(8) "Licensed physician", a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

(9) "Licensed professional counselor", a person licensed as a professional counselor under chapter 337 and with a minimum of one year training or experience in providing psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a mental disorder;

(10) "Likelihood of serious harm" means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a person upon his or her own person, as evidenced by recent threats, including verbal threats, or attempts to commit suicide or inflict physical harm on himself or herself. Evidence of substantial risk may also include information about

patterns of behavior that historically have resulted in serious harm previously being inflicted by a person upon himself or herself;

(b) A substantial risk that serious physical harm to a person will result or is occurring because of an impairment in his or her capacity to make decisions with respect to his or her hospitalization and need for treatment as evidenced by his or her current mental disorder or mental illness which results in an inability to provide for his or her own basic necessities of food, clothing, shelter, safety or medical care or his or her inability to provide for his or her own mental health care which may result in a substantial risk of serious physical harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in serious harm to the person previously taking place because of a mental disorder or mental illness which resulted in his or her inability to provide for his or her basic necessities of food, clothing, shelter, safety or medical or mental health care; or

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) **["Mental health coordinator", a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;**

(12) **"Mental health facility", any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;**

[(13)] (12) "Mental health professional", a psychiatrist, resident in psychiatry, psychiatric physician assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

[(14)] (13) "Mental health program", any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

[(15)] (14) "Ninety-six hours" shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

[(16)] (15) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

[(17)] (16) "Psychiatric advanced practice registered nurse", a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;

[(18)] (17) "Psychiatric assistant physician", a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;

[(19)] (18) "Psychiatric nurse", a registered professional nurse who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

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[(20)] (19) "Psychiatric physician assistant", a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;

[(21)] (20) "Psychiatric social worker", a person with a master's or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

[(22)] (21) "Psychiatrist", a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(23)] (22) "Psychologist", a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

[(24)] (23) "Resident in psychiatry", a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(25)] (24) "Respondent", an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

[(26)] (25) "Treatment", any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

632.150. RELEASE OF VOLUNTARY PATIENTS — VOLUNTARY PATIENT MAY BE INVOLUNTARILY DETAINED, PROCEDURE. — 1. A voluntary patient who has applied for his or her own admission may request his or her release either orally or in writing to the head of the mental health facility and shall be released immediately; except, that if the head of the facility determines that he or she is mentally disordered and, as a result, presents a likelihood of serious physical harm to himself or herself or others, the head of the facility may refuse the request for release.

2. If the request for release is refused, the mental health facility may detain the person only if a [mental health coordinator, a] licensed physician, a registered professional nurse designated by the facility and approved by the department, a mental health professional or a peace officer completes an application for detention for evaluation and treatment to begin the involuntary detention of the patient under this chapter.

632.155. RELEASE OF VOLUNTARY MINOR PATIENTS, CONSENT REQUIRED — MAY BE INVOLUNTARILY DETAINED, WHEN, PROCEDURE. — 1. A voluntary patient who is a minor and who requests his or her release either orally or in writing, or whose release is requested in writing to the head of the facility by his or her parent, spouse, adult next of kin, or person entitled to his or her custody, shall be released immediately; except, that if the patient was admitted on the application of another person, his or her release shall be conditioned upon receiving the consent of the person applying for his or her admission.

2. If the head of the mental health facility determines that the minor is mentally disordered and, as a result, presents a likelihood of serious physical harm to himself or herself or others, the head of the facility may refuse the release. The mental health facility may detain the minor only if a [mental health coordinator, a] licensed physician, a mental health professional or a registered professional nurse designated by the facility and approved by the department completes an application for detention for evaluation and treatment to begin the involuntary detention of the minor under this chapter or, if appropriate, the minor is detained in the facility under the provisions of chapter 211.

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632.305. DETENTION FOR EVALUATION AND TREATMENT, WHO MAY REQUEST — PROCEDURE — DURATION — DISPOSITION AFTER APPLICATION. — 1. An application for detention for evaluation and treatment at a mental health facility may be executed by any adult person, who need not be an attorney or represented by an attorney, [including the mental health coordinator,] on a form provided by the court for such purpose, and shall allege under oath, without a notarization requirement, that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or to others. The application shall specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of such facts through personal observation.

2. The filing of a written application in court by any adult person, who need not be an attorney or represented by an attorney, [including the mental health coordinator,] shall authorize the applicant to bring the matter before the court on an ex parte basis to determine whether the respondent should be taken into custody and transported to a mental health facility. The application may be filed in the court having probate jurisdiction in any county where the respondent may be found. If the court finds that there is probable cause, either upon testimony under oath or upon a review of affidavits, declarations, or other supporting documentation, to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or others, it shall direct a peace officer to take the respondent into custody and transport him or her to a mental health facility for detention for evaluation and treatment for a period not to exceed ninety-six hours unless further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

3. A [mental health coordinator may request a peace officer to take or a] peace officer may take a person into custody for detention for evaluation and treatment at a mental health facility for a period not to exceed ninety-six hours only when such [mental health coordinator or] peace officer has reasonable cause to believe that such person is suffering from a mental disorder and that the likelihood of serious harm by such person to himself or herself or others is imminent unless such person is immediately taken into custody. Upon arrival at the mental health facility, the peace officer [or mental health coordinator] who conveyed such person or caused him or her to be conveyed shall either present the application for detention for evaluation and treatment upon which the court has issued a finding of probable cause and the respondent was taken into custody or complete an application for initial detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be based upon his or her own personal observations or investigations and shall contain the information required in subsection 1 of this section.

4. If a person presents himself or herself or is presented by others to a mental health facility and a licensed physician, a registered professional nurse or a mental health professional designated by the head of the facility and approved by the department for such purpose has reasonable cause to believe that the person is mentally disordered and presents an imminent likelihood of serious harm to himself or herself or others unless he or she is accepted for detention, the licensed physician, the mental health professional or the registered professional nurse designated by the facility and approved by the department may complete an application for detention for evaluation and treatment for a period not to exceed ninety-six hours. The application shall be based on his or her own personal observations or investigation and shall contain the information required in subsection 1 of this section.

5. [Any oath required by the provisions of this section] No notarization shall be required for an application or for any affidavits, declarations, or other documents supporting an application. The application and any affidavits, declarations, or other documents supporting the application shall be subject to the provisions of section 492.060 allowing for declaration under penalty of perjury.

632.310. FACILITIES TO ACCEPT CERTAIN APPLICANTS — EVALUATION TO FOLLOW — TRANSPORTATION BACK TO PLACE OF RESIDENCE. — 1. Whenever a court has authorized the initial detention and evaluation of a respondent pursuant to subsection 2 of section 632.305, [or

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Matter underscored is proposed language.

whenever a mental health coordinator submits an application for initial detention and evaluation pursuant to subsection 3 of section 632.305,] or whenever a licensed physician, a registered professional nurse designated by the facility and approved by the department, or a mental health professional submits an application for initial detention and evaluation pursuant to subsection 4 of section 632.305, a public mental health facility shall, and a private mental health facility may immediately accept such application and the respondent on a provisional basis, and the facility shall then evaluate the respondent's condition and admit him or her for treatment or release him or her in accordance with the provisions of this chapter.

2. Whenever a peace officer applies for initial detention and evaluation pursuant to subsection 3 of section 632.305, the mental health facility may, but is not required to, accept the application and the respondent. If the facility accepts the application and the respondent, the facility shall evaluate the respondent's condition and admit him or her for treatment or release him or her in accordance with the provisions of this chapter.

3. If the respondent is not accepted for admission by a facility providing ninety-six-hour evaluation and treatment, the facility shall immediately furnish transportation, if not otherwise available, to return the respondent to his or her place of residence or other appropriate place; provided, that in the case of a person transported to the facility by a peace officer or other governmental agency, such peace officer or agency shall furnish or arrange for such transportation.

4. The department may require, pursuant to an affiliation agreement and contract with a community-based service certified by the department to serve the catchment area where a respondent whose mental disorder consists of alcohol or drug abuse resides, that the service immediately accept the application and respondent engaging in alcohol or drug abuse on a provisional basis and that the service then evaluate such respondent's condition and admit him or her for treatment for up to ninety-six hours, petition for further detention and treatment, or release him or her in accordance with the provisions of chapter 631.

632.315. COPIES OF ADMISSION APPLICATION TO BE FURNISHED. — Any mental health facility accepting a respondent pursuant to section 632.310 shall be furnished a copy of the application for initial detention and evaluation. If a person is involuntarily detained in a mental health facility pursuant to section 632.310, no later than twenty-four hours after his or her arrival, excluding Saturdays, Sundays and legal holidays, the head of the mental health facility [or the mental health coordinator] shall file with the court the application, a copy of the notice required by section 632.325 and proof that the notice was given. The person's designated attorney shall receive a copy of all documents. [The head of the mental health facility shall send copies of all completed applications, whether accepted for admission or not, to the designated mental health coordinator for the region.]

632.320. TIME LIMITS FOR CERTAIN PROCEDURES. — 1. Within three hours of the time at which the respondent arrives at a mental health facility he or she shall:

- (1) Be seen by a mental health professional or registered professional nurse; and
- (2) Be given a copy of the application for initial detention and evaluation, a notice of rights pursuant to section 632.325 and a notice giving the name, business address and telephone number of the attorney appointed to represent him or her; and
- (3) Be provided assistance in contacting the appointed attorney or an attorney of his or her own choosing, if so requested.

2. Within eighteen hours after the respondent arrives at the mental health facility, he or she shall be examined by a licensed physician.

3. Within [four days] forty-eight hours after the respondent arrives at the mental health facility, unless sooner released, [the mental health coordinator] designated staff at the mental health facility shall meet with the respondent and explain his or her statutory rights under this chapter.

632.325. INFORMATION TO BE FURNISHED TO PATIENT AND OTHERS, WHEN. — If the respondent is accepted for evaluation or for evaluation and treatment pursuant to this chapter, he or she shall be advised, orally and in writing, of the information contained in subdivisions (1) through (11) of this section. The respondent's guardian and, if possible and the respondent consents, a responsible member of his or her immediate family shall be advised, within eight hours either orally or in writing, of the information contained in subdivisions (1) through (11) of this section. The personnel of the mental health facility to which the respondent is taken [or the mental health coordinator] shall advise the aforementioned individuals that unless the respondent is released or voluntarily admits himself or herself within ninety-six hours of the initial detention:

(1) He or she may be detained for ninety-six hours from the time of his or her initial detention to be evaluated and treated;

(2) Within the ninety-six hours, the head of the mental health facility [or the mental health coordinator] may file a petition to have him or her detained for an additional period not to exceed twenty-one days, after a court hearing;

(3) He or she will be given a judicial hearing within two judicial days after the day the petition for additional detention is filed;

(4) An attorney has been appointed who will represent him or her before and after the hearing and who will be notified as soon as possible; provided, however, that he or she also has the right to private counsel of his or her own choosing and at his or her own expense;

(5) He or she has the right to communicate with counsel at all reasonable times and to have assistance in contacting such counsel;

(6) The purpose of the evaluation is to determine whether he or she meets the criteria for civil detention under this chapter and that anything he or she says to personnel at the mental health facility may be used in making that determination, may result in involuntary detention proceedings being filed against him or her and may be used at the court hearing;

(7) He or she has the right to present evidence and to cross-examine witnesses who testify against him or her at the hearing;

(8) During the period prior to being examined by a licensed physician, he or she may refuse medication unless he or she presents an imminent likelihood of serious physical injury to himself or herself or others;

(9) He or she has the right to refuse medication except for lifesaving treatment beginning twenty-four hours prior to the hearing for twenty-one-day detention;

(10) He or she has the right to request that the hearing be held in his or her county of residence if he or she is a resident of this state; and

(11) He or she has the right to have an interpreter assist him or her to communicate, at the facility or during the hearing, or both, if he or she has impaired hearing or does not speak English.

632.330. ADDITIONAL DETENTION AND TREATMENT MAY BE REQUESTED — CONTENTS OF PETITION. — 1. At the expiration of the ninety-six hour period, the respondent may be detained and treated involuntarily for an additional two judicial days only if the head of the mental health facility [or a mental health coordinator either] has filed a petition for additional inpatient detention and treatment not to exceed twenty-one days or has filed a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days.

2. Within ninety-six hours following initial detention, the head of the facility [or the mental health coordinator] may file or cause to be filed either a petition for a twenty-one-day inpatient involuntary detention and treatment period or a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days, provided he or she has reasonable cause to believe that the person is mentally ill and as a result presents a likelihood of serious harm to himself or herself or others. The court shall serve the petition and list of prospective witnesses for the petitioner upon the respondent and

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his or her attorney at least twenty-four hours before the hearing. [The head of the facility shall also notify the mental health coordinator if the petition is not filed by the mental health coordinator.] The petition shall:

- (1) Allege that the respondent, by reason of mental illness, presents a likelihood of serious harm to himself or herself or to others;
- (2) Allege that the respondent is in need of continued detention and treatment either on an inpatient basis or on an outpatient basis;
- (3) Allege the specific behavior of the respondent or the facts which support such conclusion;
- (4) Affirm that attempts were made to provide necessary care, treatment and services in the least restrictive environment to the respondent on a voluntary basis, but either the petitioner believes that the respondent lacks the capacity to voluntarily consent to care, treatment and services or the respondent refuses to voluntarily consent to care, treatment and services such that proceeding with a petition for the respondent's civil detention in the least restrictive environment is necessary;
- (5) Allege that there will be appropriate support from family, friends, case managers or others during the period of outpatient detention and treatment in the community if such commitment is sought;
- (6) Specify the mental health program that is appropriate to handle the respondent's condition and that has agreed to accept the respondent;
- (7) Specify the range of care, treatment and services that shall be provided to the respondent if the petition for further detention is sustained by the court;
- (8) Name the entities that have agreed to fund and provide the specified interventions; and
- (9) Be verified by a psychiatrist or by a licensed physician and a mental health professional who have examined the respondent.

3. The petitioner shall consider whether based on the respondent's condition and treatment history, the respondent meets the criteria in chapter 475, so that appointment of a full or limited guardian or conservator is appropriate for the court to consider, and if deemed so, the petitioner then shall proceed as specified in subsection 4 of this section.

4. If the head of the mental health facility, or his or her designee, [or the mental health coordinator] believes that the respondent, because of a mental illness or mental disorder, may be incapacitated or disabled as defined in chapter 475, the head of the mental health facility [or mental health coordinator] shall cause a petition to be filed pursuant to section 475.060 and section 475.061, if applicable, with the court having probate jurisdiction as determined by section 475.035. In addition, if the head of the mental health facility, or his or her designee [or the mental health coordinator], believes it appropriate, he or she shall proceed with obtaining an order for the respondent's temporary emergency detention as provided for in section 475.355. Furthermore, the hearing on the petition filed pursuant to chapter 475 shall be conducted pursuant to the requirements of section 475.075 and other appropriate sections of chapter 475, and shall be held within two judicial days after termination of the ninety-six-hour civil detention period unless continued for good cause shown. Nothing contained in this subsection shall restrict or prohibit the head of the mental health facility, or his or her designee [or the mental health coordinator], from proceeding under the appropriate provisions of this chapter if the petition for guardianship or conservatorship is denied.

632.335. COURT PROCEDURES RELATING TO CONTINUED DETENTION OR OUTPATIENT DETENTION AND TREATMENT — CONTINUED DETENTION MAY BE ORDERED — PATIENT'S RIGHTS RELATING THERETO. — 1. The petition for additional inpatient detention and treatment not to exceed twenty-one days or the petition for outpatient detention and treatment not to exceed one hundred eighty days shall be filed with the court having probate jurisdiction. At the time of filing the petition, the court clerk shall set a date and time for the hearing which shall take place within two judicial days of the filing of the petition. The clerk shall promptly notify the respondent, his or her attorney, the petitioner and the petitioner's attorney of the date and time for the hearing. The court shall not grant

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continuances except upon a showing of good and sufficient cause. If a continuance is granted, the court, in its discretion, may order the person released pending the hearing upon conditions prescribed by the court. The court may order the continued detention and treatment of the person at a mental health facility pending the continued hearing, and a copy of such order shall be furnished to the facility.

2. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the respondent. Due consideration shall be given by the court to holding a hearing at the mental health facility. The respondent shall have the following rights in addition to those specified elsewhere:

- (1) To be represented by an attorney;
- (2) To present evidence on his or her own behalf;
- (3) To cross-examine witnesses who testify against him or her;
- (4) To remain silent;
- (5) To view and copy all petitions and reports in the court file of his or her case;
- (6) To have the hearing open or closed to the public as he or she elects;
- (7) To be proceeded against according to the rules of evidence applicable to civil judicial proceedings; and
- (8) A hearing before a jury if requested by the patient or his or her attorney.

3. The respondent shall be present at the hearing, unless the respondent's physical condition is such that he or she cannot be present in the courtroom or if the court determines that the respondent's conduct in the courtroom is so disruptive that the proceedings cannot reasonably continue.

4. At the conclusion of the hearing, if the court finds, based upon clear and convincing evidence, that respondent, as the result of mental illness, presents a likelihood of serious harm to himself or herself or to others, and that a mental health program appropriate to handle the respondent's condition has agreed to accept him or her, the court shall order either that the respondent be detained for inpatient involuntary treatment in the least restrictive environment for a period not to exceed twenty-one days or be detained for outpatient detention and treatment under the supervision of a mental health program in the least restrictive environment for a period not to exceed one hundred eighty days.

632.340. FURTHER ADDITIONAL DETENTION OR OUTPATIENT DETENTION AND TREATMENT MAY BE REQUESTED — HEARING TO BE HELD, WHEN — TREATMENT PLAN TO BE PRESENTED. — 1. Before the expiration of the twenty-one-day inpatient detention and treatment period ordered pursuant to section 632.335, the court may order the respondent to be detained and treated involuntarily for an additional period not to exceed ninety inpatient days or may order the respondent to be detained for outpatient detention and treatment for a period not to exceed one hundred eighty days; provided, that:

(1) The respondent is mentally ill and continues to present a likelihood of serious harm to himself or herself or others; and

(2) The court, after a hearing, orders the respondent detained and treated for the additional period.

2. If, within seventeen days of the court hearing described in section 632.335, the head of the mental health program **[or the mental health coordinator]** has reasonable cause to believe that the respondent is mentally ill and as a result presents a likelihood of serious harm to himself or herself or others, and believes that further detention and treatment is necessary, he or she shall file, or cause to be filed, with the court a petition for ninety days additional detention and treatment or a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days. The court shall immediately set a date and time for a hearing on the petition, which shall take place within four judicial days of the date of the filing of the petition. The court shall serve a copy of the petition and the notice of the date and time of the hearing upon the petitioner, the respondent, and their attorneys as promptly as possible, but not later than two judicial days after the filing of the petition. The petitioner shall also file with the court, for the court to serve upon the respondent's attorney not later than two judicial days after the filing

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of the petition, a list of the proposed witnesses for the petitioner. [The head of the mental health program shall notify the mental health coordinator if the petition is not filed by the mental health coordinator.] The petition shall comply with the requirements of section 632.330, and an individualized treatment plan for the respondent shall be attached thereto.

632.345. PHYSICIAN OR LICENSED PSYCHOLOGIST TO BE APPOINTED, QUALIFICATIONS — DETENTION TO BE CONTINUED, HOW LONG. — 1. If requested by the respondent, the court shall appoint an available licensed physician or licensed psychologist to examine him or her and testify at the respondent's request. If the respondent or his or her counsel so request, the court shall not appoint a physician or licensed psychologist who is on the staff of the program wherein the person is detained, and if the respondent is detained in a program operated by the department and respondent or his or her counsel so request, the court shall not appoint a physician or licensed psychologist who is an employee of the department.

2. The court may grant continuances but shall do so only upon a showing of good and sufficient cause.

3. The respondent shall continue to be detained and treated pending the hearing unless released by order of the court. If a continuance is granted, the court, in its discretion, may order respondent released upon conditions described by the court pending the hearing. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the respondent and granted, the respondent shall be released.

632.350. CONDUCT OF HEARING — JURY QUESTION — RESULT. — 1. The hearing for a ninety-day inpatient detention and treatment period or for outpatient detention and treatment for a period not to exceed one hundred eighty days shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the respondent. If a jury trial is not requested, due consideration shall be given by the court to holding a hearing at the mental health program. The hearing shall be held in accordance with the provisions set forth in section 632.335.

2. The burden of proof at the hearing shall be by clear and convincing evidence and shall be upon the petitioner.

3. If the matter is tried before a jury, the jury shall determine and shall be instructed only upon the issues of whether or not the respondent is mentally ill and, as a result, presents a likelihood of serious harm to himself or herself or others. The remaining procedures for the jury trial shall be as in other civil matters.

4. The respondent shall not be required to file an answer or other responsive pleading.

5. At the conclusion of the hearing, if the court or jury finds that the respondent, as the result of mental illness, presents a likelihood of serious harm to himself or herself or to others, and the court finds that a program appropriate to handle the respondent's condition has agreed to accept him or her, the court shall order the respondent to be detained for involuntary treatment in the least restrictive environment for a period not to exceed ninety days or for outpatient detention and treatment under the supervision of a mental health program in the least restrictive environment for a period not to exceed one hundred eighty days.

632.355. ADDITIONAL DETENTION OR PERIOD OF OUTPATIENT DETENTION AND TREATMENT MAY BE ORDERED, WHEN. — 1. At the expiration of the ninety-day inpatient commitment period ordered by the court pursuant to section 632.350, the respondent may be detained and treated as an involuntarily inpatient for an additional period of time not to exceed one year or such lesser period of time as determined by the court or may be detained for outpatient detention and treatment for a period of time not to exceed one hundred eighty days; provided, that:

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(1) The respondent is mentally ill and continues to present a likelihood of serious harm to himself or herself or to others; and

(2) The court after a hearing orders the person detained and treated for the additional period.

2. Within the ninety-day commitment period, the head of the mental health program [or the mental health coordinator] may file or cause to be filed, in compliance with the requirements of section 632.330, a petition for a one-year inpatient detention and treatment period or a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days if he or she has reasonable cause to believe that the respondent is mentally ill and as a result presents a likelihood of serious harm to himself or herself or others, and that further detention and treatment is necessary pursuant to an individualized treatment plan prepared by the program and filed with the court. Procedures specified in sections 632.340, 632.345 and 632.350 shall be followed.

3. At the conclusion of the hearing, if the court or jury finds that the respondent, as the result of mental illness, presents a likelihood of serious harm to himself or herself or others, and the court finds that a program appropriate to handle the respondent's condition has agreed to accept him or her, the court shall order that the respondent be detained for involuntary treatment in the least restrictive environment for a period not to exceed one year or for outpatient detention and treatment under the supervision of a mental health program in the least restrictive environment for a period not to exceed one hundred eighty days.

632.370. TRANSFER OF PATIENT BY DEPARTMENT, PROCEDURE — TRANSFER TO FEDERAL FACILITY, NOTICE, RESTRICTIONS. — 1. The department may transfer, or authorize the transfer of, an involuntary patient detained under this chapter, chapter 211, chapter 475, or chapter 552 from one mental health program to another if the department determines that it would be consistent with the medical needs of the patient to do so. If a minor is transferred from a ward for minors to an adult ward, the department shall conduct a due process hearing within six days of such transfer during which hearing the head of the program shall have the burden to show that the transfer is appropriate for the medical needs of the minor. Whenever a patient is transferred, written notice thereof shall be given after obtaining the consent of the patient, his or her parent if he or she is a minor or his or her legal guardian to his or her legal guardian, parents and spouse, or, if none be known, his or her nearest known relative or friend. In all such transfers, due consideration shall be given to the relationship of the patient to his or her family, legal guardian or friends, so as to maintain relationships and encourage visits beneficial to the patient. The head of the mental health program shall notify the court ordering detention or commitment, the patient's last known attorney of record [and the mental health coordinator for the region], and if the person was committed pursuant to chapter 552, to the prosecuting attorney of the jurisdiction where the person was tried and acquitted, of any transfer from one mental health facility to another. The prosecutor of the jurisdiction where the person was tried and acquitted shall use their best efforts to notify the victims of dangerous felonies. Notification by the appropriate person or agency by certified mail to the most current address provided by the victim shall constitute compliance with the victim notification requirement of this section. In the case of a patient committed under chapter 211, the court, on its own motion, may hold a hearing on the transfer to determine whether such transfer is appropriate to the medical needs of the patient.

2. Upon receipt of a certificate of an agency of the United States that facilities are available for the care or treatment of any individual heretofore ordered involuntarily detained, treated and evaluated pursuant to this chapter in any facility for the care or treatment of persons with a mental illness or an intellectual disability or a developmental disability and that such individual is eligible for care or treatment in a hospital or institution of such agency, the department may cause his or her transfer to such agency of the United States for hospitalization. Upon effecting any such transfer, the court ordering hospitalization, the legal guardian, spouse and parents, or, if none be known, his or her nearest known relative or friend shall be notified thereof immediately by the department. No person shall be transferred

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to an agency of the United States if he or she is confined pursuant to a conviction for any felony or misdemeanor or if he or she has been acquitted of any felony or misdemeanor solely on the ground of mental illness, unless prior to transfer the court originally ordering confinement of such person enters an order for the transfer after appropriate motion and hearing. Any person transferred to an agency of the United States shall be deemed to be hospitalized by such agency pursuant to the original order of hospitalization.

632.375. PATIENT TO BE EVALUATED, WHEN — REPORT TO CERTAIN PERSONS — COURT MAY CONSIDER CONTINUATION OF DETENTION. — 1. At least once every one hundred eighty days, the head of each mental health program shall have each respondent who is detained at the program for a one-year period under this chapter examined and evaluated to determine if the respondent continues to be mentally ill, and as a result presents a likelihood of serious harm to himself or herself or others. The court, [the mental health coordinator for the region,] the respondent, and the respondent's attorney shall be provided copies of the report of the examination and evaluation described by this section and the respondent's individualized treatment plan.

2. Upon receipt of the report, the court may, upon its own motion, or shall, upon the motion of the respondent, order a hearing to be held as to the need for continued detention and involuntary treatment. At the conclusion of the hearing, the court may order:

- (1) The discharge of the respondent; or
- (2) An appropriate least restrictive course of detention and involuntary treatment; or
- (3) The respondent to be remanded to the mental health program for the unexpired portion of the original commitment order.

632.385. PATIENT TO BE PLACED OUTSIDE FACILITY, WHEN — CONDITIONS — DURATION — FURLOUGHS — MODIFICATION OF ORDERS — NOTICE REQUIREMENTS. — 1. The head of a mental health facility shall release a patient, whether voluntary or involuntary, from the facility to the least restrictive environment, including referral to and subsequent placement in the placement program of the department, when he or she believes that such release is in the best interests of the patient. Release to the least restrictive environment shall include provisions for continuing responsibility to and by the facility.

2. Release to the least restrictive environment may be conditioned on the patient receiving outpatient care as prescribed by the head of the mental health facility from which the patient is being released. The period of treatment in the least restrictive environment shall not exceed the period of one year.

3. The facility or agency which is to provide treatment in the least restrictive environment must agree in writing to assume such responsibility. A copy of the conditions for release shall be given to the patient, to the probate division of the circuit court having jurisdiction and the mental health facility providing treatment.

4. The head of a mental health facility may permit a respondent detained for treatment to leave the facility for prescribed short periods on trial visit during his or her detention subject to conditions prescribed by the head of the mental health facility.

5. The head of the mental health facility providing treatment may modify the conditions for continued release from the facility to the least restrictive environment when such modification is in the best interest of the patient. Notification of any changes shall be sent to the patient and to the court within ninety-six hours if the patient is involuntarily detained under this chapter. Upon a receipt of a notification returning the patient to the facility as an inpatient, the committing court shall, if necessary, order the sheriff or other law enforcement official to apprehend and transport the patient to the facility. The committing court may, on its own motion or shall upon the respondent's motion, order a hearing to be held on the need for such change.

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632.390. HEAD OF PROGRAM TO RELEASE CERTAIN PATIENTS — NOTIFICATION TO INTERESTED PARTIES — INVOLUNTARY PATIENT MAY BECOME VOLUNTARY, NOTIFICATION TO INTERESTED PARTIES. — 1. The head of a mental health program shall release any person who is involuntarily detained under this chapter when, in his or her opinion, the person is no longer mentally ill or the person, although mentally ill, does not present a likelihood of serious harm to himself or herself or others, even though the detention period has not expired.

2. Whenever the head of a mental health program discharges a person prior to the expiration of the detention order, he or she shall notify, in writing, the court [and the mental health coordinator].

3. Whenever a respondent voluntarily admits himself or herself and the head of a mental health program accepts the admission application submitted by respondent in good faith under section 632.105, the respondent's involuntary detention shall cease, and the head of the program shall notify, in writing, the court [and the mental health coordinator].

632.392. RELEASE OF PATIENT INVOLUNTARILY DETAINED, DUTIES OF DEPARTMENT — EDUCATIONAL MATERIALS — DISCLOSURE OF CONFIDENTIAL INFORMATION — CARE PROVIDER DEFINED. — 1. Notwithstanding the provisions of subsection 1 of section 630.140, a mental health program and any treating physician, upon release of a patient who was committed or who is civilly detained and consents to voluntary treatment during the course of the inpatient stay pursuant to section 632.150, 632.155, [632.300,] 632.305, 632.330, 632.335, 632.340, 632.350, 632.355 or 632.375:

(1) Shall provide to the patient and his or her care provider a written packet of educational information developed and supplied by the department of mental health describing symptoms of common mental illnesses, early warning signs of decompensation, and availability of other education, community and statewide services. The packet shall also include the telephone number of the department of mental health information line and information specific to the laws and procedures addressing civil detention and guardianship;

(2) May disclose confidential treatment information to the primary care provider or care providers, when such information is medically necessary for the provision of appropriate health care or treatment by the care provider or is related to the safety of the patient or care provider.

2. Prior to disclosure of the information specified under subdivision (2) of subsection 1 of this section, the mental health facility shall provide written notice to the patient; request in writing the consent of the patient; work with the patient and care provider to encourage and secure appropriate patient authorization; function as a mediator, negotiating the boundaries of confidentiality to meet the needs of the client and care provider; and work with the client to stress the importance of keeping the care provider informed and involved with his or her treatment process. If the patient refuses to consent and the treating physician deems the information is medically necessary for the appropriate provision of health care or treatment by the care provider or is related to the safety of the patient or care provider, the information may still be released to the appropriate care provider. The reason for the intended disclosure, the specific information to be released and the persons to whom the disclosure is to be made, even if consent has not been obtained, will be provided to the client and care provider. All these procedures shall be documented by the treating physician in the client record, including a specific notation as to whether client consent was given.

3. As used in this section, the term "care provider" means the person or persons who can demonstrate that they are primarily responsible for the health care of the person with a mental illness. The term does not apply to any person providing care through hospitals, nursing homes, group homes or any other such facility.

632.395. COURT MAY ORDER TRANSFER OF CUSTODY TO FEDERAL FACILITY, WHEN — HEAD OF FEDERAL FACILITY TO BE SUCCESSOR ADMINISTRATOR — COURT TO RETAIN JURISDICTION — ORDERS FROM COURTS OF OTHER STATES TO BE OBSERVED IN THIS STATE.

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— 1. If an individual ordered to be involuntarily detained or committed, treated and evaluated pursuant to this chapter is eligible for hospital care or treatment by any agency of the United States, the court, upon receipt of a certificate from such agency showing that facilities are available and that the individual is eligible for care or treatment therein, may order him or her to be placed in the custody of such agency for hospitalization. When any individual is admitted pursuant to the order of the court to any hospital or institution operated by any agency of the United States within or without this state, he or she shall be subject to the rules and regulations of such agency. The chief officer of any hospital or institution operated by such agency and in which the individual is so hospitalized shall, with respect to such individual, be vested with the same powers as the heads of hospitals or the division within this state have with respect to detention, custody, transfer, conditional release and discharge of patients. Jurisdiction is retained in the appropriate courts of this state at any time to inquire into the mental condition of an individual so hospitalized and to determine the necessity for continuance of his or her hospitalization, and every order of hospitalization issued pursuant to this section is so conditioned.

2. An order of a court of competent jurisdiction of another state, or of the District of Columbia, authorizing hospitalization of an individual by any agency of the United States shall have the same force and effect as to the individual while in this state as in the jurisdiction in which is situated the court entering the order, and the courts of the state or District of Columbia issuing the order shall be deemed to have retained jurisdiction of the individual so hospitalized for the purpose of inquiring into his or her mental condition and of determining the necessity for continuance of his or her hospitalization, as is provided in subsection 1 of this section with respect to individuals ordered hospitalized by the courts of this state. Consent is hereby given to the application of the law of the state or District of Columbia in which is located the court issuing the order for hospitalization with respect to the authority of the chief officer of any hospital or institution operated in this state by any agency of the United States to retain custody, transfer, conditional release or discharge the individual hospitalized.

632.400. REEXAMINATION OF DETAINED PERSON. — Any respondent ordered detained for ninety-day or one-year periods of involuntary inpatient treatment or ordered detained for a period of up to one hundred eighty days of outpatient detention and treatment under this chapter shall be entitled to a reexamination of the order for his or her detention on his or her own motion, or that of his or her legal guardian, parent, spouse, relative, friend or attorney to the court. Upon receipt of the motion, the court shall conduct or cause to be conducted by a special commissioner proceedings in accordance with section 632.340.

632.410. VENUE — CHANGE OF JURISDICTION. — Venue for proceedings for involuntary detentions pursuant to the provisions of this chapter shall be in the court having probate jurisdiction in the county in which the mental health program is located wherein the respondent is detained; provided, however, that if the respondent is a resident of this state and makes application for the hearing to be held in his or her county of residence, the court shall order the proceedings, with all papers, files and transcripts of the proceedings, to be transferred to the court having probate jurisdiction in the respondent's county of residence. Once a court has assumed jurisdiction with respect to involuntary detention proceedings, no other court shall assume jurisdiction until the court having prior jurisdiction has transferred jurisdiction and all papers, files, and transcripts. If the court having jurisdiction receives notice that a respondent has been transferred to a mental health program in another county, the court shall transfer jurisdiction, along with all papers, files and transcripts, to the court in the county where the respondent has been transferred.

632.415. COURT TO MAINTAIN REGISTER OF ATTORNEYS AVAILABLE TO REPRESENT PATIENTS — STATE TO PAY CERTAIN ATTORNEY'S FEES. — 1. The judge having probate jurisdiction in each county where a mental health program is located shall prepare and maintain a current

register of attorneys who have agreed to be appointed to represent respondents against whom involuntary civil detention proceedings have been instituted in such county. The judge may choose lawyers who are paid by any public or private agency or other lawyers who are appointed to the register. [The register shall be provided to the mental health coordinator for the area which includes the county for which the list was prepared. A new register shall be provided to the mental health coordinator each time a new attorney is added.]

2. If the judge finds that the respondent is unable to pay attorney's fees for the services rendered in the proceedings, the judge shall allow a reasonable attorney's fee for the services, which fee shall be assessed as costs and paid together with all other costs in the proceeding by the state, in accordance with rules and regulations promulgated by the state court administrator, from funds appropriated to the office of administration for such purposes provided that no attorney's fees shall be allowed for services rendered by any attorney who is a salaried employee of a public agency or a private agency which receives public funds.

632.420. CERTAIN EXAMINING PHYSICIANS TO BE PAID BY STATE. — The court having probate jurisdiction in appointing licensed physicians pursuant to section 632.345 shall choose, if available, physicians who have agreed to serve without fee or physicians paid by any private or public agency, if they are found suitable; provided, that if the court finds no suitable physicians from such sources, the court shall appoint an available licensed physician and he or she shall be paid a reasonable fee, as determined by the court, by the state from funds appropriated to the office of administration for this purpose.

632.430. APPEALS — TO HAVE PRIORITY — ATTORNEY GENERAL TO BE NOTIFIED AND TO REPRESENT STATE. — 1. Appeals from court orders made under this chapter may be made by the respondent or by the petitioner to the appropriate appellate court pursuant to the rules of civil procedure of the supreme court of Missouri pertaining to appeals. Such appeal shall have priority on the docket of the appellate court and shall be expedited in all respects. The court shall notify the attorney general's office whenever an appeal is filed under this subsection, and the attorney general shall represent the state when it is a party to such appeal.

2. A motion to stay any order restricting an individual's liberty may be filed in either the court or the appropriate appellate court. A stay order shall not be granted in any case where the court finds that the person is so mentally ill that there is an imminent likelihood of serious physical harm to himself or herself or others if he or she is not detained or treated pending appeal. Any refusal to grant a stay by the court may be reviewed by the appropriate appellate court on motion.

632.440. NO LIABILITY FOR HEALTH CARE PROFESSIONALS, PUBLIC OFFICIALS AND CERTAIN PEACE OFFICERS. — No officer of a public or private agency, mental health facility or mental health program; no head, attending staff or consultant of any such agency, facility or mental health program; no [mental health coordinator] behavioral health liaison, registered professional nurse, licensed physician, mental health professional nor any other public official performing functions necessary for the administration of this chapter; no peace officer responsible for detaining a person pursuant to this chapter; and no peace officer responsible for detaining or transporting, or both, any person upon the request of any [mental health coordinator] behavioral health liaison pursuant to section [632.300 or] 632.305 or acting pursuant to the request of a guardian who is acting pursuant to chapter 475, or upon the request of the head of any supervisory mental health program who is acting pursuant to section 632.337, regardless of whether such peace officer is outside the jurisdiction for which he or she serves as a peace officer during the course of such detention or transportation, or both, shall be civilly liable for investigating, detaining, transporting, conditionally releasing or discharging a person pursuant to this chapter or chapter 475, at or before the end of the period for which the person was

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admitted or detained for evaluation or treatment so long as such duties were performed in good faith and without gross negligence.

632.455. PATIENT, ABSENT WITHOUT PERMISSION, RETURN MAY BE REQUESTED, WHEN.

— 1. If requested to do so by the head of a mental health program, the sheriff of the county where a patient absent without authorization is found shall apprehend and return him or her to the program.

2. The head of the program may request the return of an absent patient under subsection 1 of this section only under one or more of the following circumstances:

(1) The patient is a minor whose admission was applied for by his or her parent or legal custodian, who has not requested the minor patient's release;

(2) The patient is a minor under jurisdiction of the juvenile court;

(3) The patient has been declared legally incapacitated and his or her guardian has not requested his or her release;

(4) The patient was committed to the department under chapter 552 or this chapter;

(5) The patient's condition is of such a nature that, for the protection of the patient or others, the head of the program determines that the patient's return to the program is necessary as noted in the patient's records, in which case civil detention procedures shall be initiated upon return to the program.

633.125. DISCHARGE FROM FACILITY, WHEN — MAY BE DENIED, PROCEDURE THEREAFTER — REFERRAL TO REGIONAL CENTER FOR PLACEMENT, WHEN. — 1.

A resident admitted to a developmental disability facility pursuant to section 633.120 shall be discharged immediately when the person who applied for his or her admission requests the release orally, in writing or otherwise from the head of the developmental disability facility; except, that if the head of the developmental disability facility regards the resident as presenting a likelihood of serious harm to himself or herself or others, the head of the facility may initiate involuntary detention procedures pursuant to chapter 632, if appropriate, or any individual, including the head of the facility [for the mental health coordinator], may initiate guardianship proceedings and, if appropriate, obtain an emergency commitment order pursuant to chapter 475.

2. A resident shall be discharged from a department developmental disability facility if it is determined in a comprehensive evaluation or periodic review that the person is not intellectually disabled or developmentally disabled, and if the resident, parent, if a minor, or guardian consents to the discharge. If consent is not obtained, the head of the facility shall initiate appeal proceedings under section 633.135, before a resident can be discharged.

3. A resident shall either be discharged from a department developmental disability facility or shall be referred to a regional center for placement in a least restrictive environment pursuant to section 630.610, if it is determined in a comprehensive evaluation or periodic review that the following criteria exist:

(1) The resident's condition is not of such a nature that for the protection or adequate care of the resident or others the resident needs department residential habilitation or other services;

(2) The developmental disability facility does not offer a program which best meets the resident's needs; or

(3) The developmental disability facility does not provide the least restrictive environment feasible. A resident may not be discharged without his or her consent or the consent of his or her parent, if he or she is a minor, or guardian unless proceedings have been completed under section 633.135.

4. After a resident's discharge pursuant to subsection 3 of this section, the resident shall be referred to an appropriate regional center for assistance in obtaining any necessary services.

701.336. DEPARTMENT TO COOPERATE WITH FEDERAL GOVERNMENT — INFORMATION TO BE PROVIDED TO CERTAIN PERSONS — LEAD TESTING OF CHILDREN, STRATEGY TO

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INCREASE NUMBER. — 1. The department of health and senior services shall cooperate with the federal government in implementing subsections (d) and (e) of 15 U.S.C. Section 2685 to establish public education activities and an information clearinghouse regarding childhood lead poisoning. The department may develop additional educational materials on lead hazards to children, lead poisoning prevention, lead poisoning screening, lead abatement and disposal, and on health hazards during abatement.

2. The department of health and senior services and the department of social services, in collaboration with related not-for-profit organizations, health maintenance organizations, and the Missouri consolidated health care plan, shall devise an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid program. [The goal of the educational strategy is to have seventy-five percent of the children who receive Medicaid tested for lead poisoning. The educational strategy shall be implemented over a three-year period and shall be in accordance with all federal laws and regulations.]

3. The children's division, in collaboration with the department of health and senior services, shall regularly inform eligible clients of the availability and desirability of lead screening and treatment services, including those available through the early and periodic screening, diagnosis, and treatment (EPSDT) component of the Medicaid program.

701.340. CHILDHOOD LEAD TESTING PROGRAM — EDUCATION TO PARENTS — TEST TO BE USED — PARENTAL OBJECTION. — 1. [Beginning January 1, 2002,] The department of health and senior services shall, subject to appropriations, implement a childhood lead testing program [which requires every child less than six years of age to be tested for lead poisoning] in accordance with the provisions of sections 701.340 to 701.349. Every medical provider who serves children shall annually provide education to all parents and guardians of children under four years of age regarding lead hazards to children and shall annually provide the option to test every child under four years of age for lead poisoning with the consent of the parent or guardian. In coordination with the department of health and senior services, every health care facility serving children [less than six] under four years of age, including but not limited to hospitals and clinics licensed pursuant to chapter 197, shall take appropriate steps to ensure that [their patients receive] the medical providers in the facility offer such lead poisoning testing in accordance with the provisions of this section.

2. The test for lead poisoning shall consist of a blood sample that shall be sent for analysis to a laboratory licensed pursuant to the federal Clinical Lab Improvement Act (CLIA). The department of health and senior services shall, by rule, determine the blood test protocol to be used.

3. Nothing in sections 701.340 to 701.349 shall be construed to require a child to undergo lead testing whose parent or guardian objects to the testing [in a written statement that states the parent's or guardian's reason for refusing such testing].

701.342. HIGH RISK AREAS IDENTIFIED — ASSESSMENT AND TESTING REQUIREMENTS — LABORATORY REPORTING — ADDITIONAL TESTING REQUIRED, WHEN. — 1. The department of health and senior services shall, using factors established by the department, including but not limited to the geographic index from data from testing reports, identify geographic areas in the state that are at high risk for lead poisoning. [All children less than six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested annually for lead poisoning.]

2. Every child [less than] under six years of age [not residing or spending more than ten hours a week in geographic areas identified as high risk by the department] shall be assessed annually using a questionnaire to determine whether such child is at high risk for lead poisoning. The department, in collaboration with the department of social services, shall develop the questionnaire, which shall follow the recommendations of the federal Centers for Disease Control and Prevention. The department may

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modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

3. Every child deemed to be at high risk for lead poisoning according to the questionnaire developed pursuant to subsection 2 of this section shall, with the consent of a parent or guardian, be tested using a blood sample.

4. [Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations may be tested at least once every six months during the renovation and once after the completion of the renovation.

5.] Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of the test results of any child tested for lead poisoning as required in section 701.326. Any child who tests positive for lead poisoning shall receive follow-up testing in accordance with rules established by the department. The department shall, by rule, establish the methods and intervals of follow-up testing and treatment for such children.

[6.] 5. When the department is notified of a case of lead poisoning, the department shall require the testing of all other children [less than] under six years of age, and any other children or persons at risk, as determined by the director, who are residing or have recently resided in the household of the lead-poisoned child.

701.344. EVIDENCE OF LEAD POISONING TESTING REQUIRED FOR CHILD CARE FACILITIES LOCATED IN HIGH RISK AREAS — NO DENIAL OF ACCESS TO EDUCATION PERMITTED. — 1. In geographic areas determined to be of high risk for lead poisoning as set forth in section 701.342, every child care facility, as defined in section 210.201, and every child care facility affiliated with a school system, a business organization or a nonprofit organization shall, within thirty days of enrolling a child twelve months of age or older and under five years of age, require the child's parent or guardian to provide evidence of lead poisoning testing in the form of a statement from the health care professional that administered the test or provide a written statement that states the [parent's or guardian's reason for refusing] parent or guardian refused such testing. If there is no evidence of testing, the person in charge of the facility shall provide the parent or guardian with information about lead poisoning and locations in the area where the child can be tested. When a parent or guardian cannot obtain such testing, the person in charge of the facility may arrange for the child to be tested by a local health officer with the consent of the child's parent or guardian. At the beginning of each year of enrollment in such facility, the parent or guardian shall provide proof of testing in accordance with the provisions of sections 701.340 to 701.349 and any rules promulgated thereunder.

2. No child shall be denied access to education or child care because of failure to comply with the provisions of sections 701.340 to 701.349.

701.348. POLITICAL SUBDIVISIONS OR STATE AGENCY MAY PROVIDE MORE STRINGENT REQUIREMENTS. — Nothing in sections 701.340 to 701.349 shall prohibit a political subdivision of this state [or], a local board of health, or a state agency from enacting and enforcing ordinances, rules or laws for the prevention, detection and control of lead poisoning which provide the same or more stringent provisions as sections 701.340 to 701.349, or the rules promulgated thereunder.

[191.500. DEFINITIONS. — As used in sections 191.500 to 191.550, unless the context clearly indicates otherwise, the following terms mean:

(1) "Area of defined need", a community or section of an urban area of this state which is certified by the department of health and senior services as being in need of the services of a physician to improve the patient-doctor ratio in the area, to contribute professional physician services to an area of economic impact, or to contribute professional physician services to an area suffering from the effects of a natural disaster;

- (2) "Department", the department of health and senior services;
- (3) "Eligible student", a full-time student accepted and enrolled in a formal course of instruction leading to a degree of doctor of medicine or doctor of osteopathy, including psychiatry, at a participating school, or a doctor of dental surgery, doctor of dental medicine, or a bachelor of science degree in dental hygiene;
- (4) "Financial assistance", an amount of money paid by the state of Missouri to a qualified applicant pursuant to sections 191.500 to 191.550;
- (5) "Participating school", an institution of higher learning within this state which grants the degrees of doctor of medicine or doctor of osteopathy, and which is accredited in the appropriate degree program by the American Medical Association or the American Osteopathic Association, or a degree program by the American Dental Association or the American Psychiatric Association, and applicable residency programs for each degree type and discipline;
- (6) "Primary care", general or family practice, internal medicine, pediatric , psychiatric, obstetric and gynecological care as provided to the general public by physicians licensed and registered pursuant to chapter 334, dental practice, or a dental hygienist licensed and registered pursuant to chapter 332;
- (7) "Resident", any natural person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state;
- (8) "Rural area", a town or community within this state which is not within a standard metropolitan statistical area, and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a standard metropolitan statistical area.]

[191.505. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER — MAY MAKE RULES AND REGULATIONS. — The department of health and senior services shall be the administrative agency for the implementation of the program established by sections 191.500 to 191.550. The department shall promulgate reasonable rules and regulations for the exercise of its functions in the effectuation of the purposes of sections 191.500 to 191.550. It shall prescribe the form and the time and method of filing applications and supervise the processing thereof.]

[191.510. CONTRACTS FOR LOANS TO INCLUDE TERMS. — The department shall enter into a contract with each applicant receiving a state loan under sections 191.500 to 191.550 for repayment of the principal and interest and for forgiveness of a portion thereof for participation in the service areas as provided in sections 191.500 to 191.550.]

[191.515. REQUIREMENTS FOR APPLICATION. — An eligible student may apply to the department for a loan under sections 191.500 to 191.550 only if, at the time of his application and throughout the period during which he receives the loan, he has been formally accepted as a student in a participating school in a course of study leading to the degree of doctor of medicine or doctor of osteopathy, including psychiatry, or a doctor of dental surgery, a doctor of dental medicine, or a bachelor of science degree in dental hygiene, and is a resident of this state.]

[191.520. MAXIMUM AMOUNT OF LOANS — SOURCE OF FUNDS. — No loan to any eligible student shall exceed twenty-five thousand dollars for each academic year, which shall run from August first of any year through July thirty-first of the following year. All loans shall be made from funds appropriated to the medical school loan and loan repayment program fund created by section 191.600, by the general assembly.]

[191.525. NUMBER OF LOANS AVAILABLE — TO WHOM — LENGTH OF LOANS. — No more than twenty-five loans shall be made to eligible students during the first academic year this program is in effect. Twenty-five new loans may be made for the next three academic years until a total of one

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hundred loans are available. At least one-half of the loans shall be made to students from rural areas as defined in section 191.500. An eligible student may receive loans for each academic year he is pursuing a course of study directly leading to a degree of doctor of medicine or doctor of osteopathy, doctor of dental surgery, or doctor of dental medicine, or a bachelor of science degree in dental hygiene.]

[191.530. INTEREST ON LOANS — REPAYMENT TERMS — TEMPORARY DEFERRAL. —

Interest at the rate of nine and one-half percent per year shall be charged on all loans made under sections 191.500 to 191.550 but one-fourth of the interest and principal of the total loan at the time of the awarding of the degree shall be forgiven for each year of participation by an applicant in the practice of his profession in a rural area or an area of defined need. The department shall grant a deferral of interest and principal payments to a loan recipient who is pursuing an internship or a residency in primary care. The deferral shall not exceed three years. The status of each loan recipient receiving a deferral shall be reviewed annually by the department to ensure compliance with the intent of this provision. The loan recipient will repay the loan beginning with the calendar year following completion of his internship or his primary care residency in accordance with the loan contract.]

[191.535. TERMINATION OF COURSE OF STUDY, EFFECT. —

If a student ceases his study prior to receiving a degree, interest at the rate specified in section 191.530 shall be charged on the amount received from the state under the provisions of sections 191.500 to 191.550.]

[191.540. REPAYMENT SCHEDULES — BREACH OF CONTRACT. — 1. The department shall

establish schedules and procedures for repayment of the principal and interest of any loan made under the provisions of sections 191.500 to 191.550 and not forgiven as provided in section 191.530.

2. A penalty shall be levied against a person in breach of contract. Such penalty shall be twice the sum of the principal and the accrued interest.]

[191.545. RECOVERY — ACTIONS FOR. —

When necessary to protect the interest of the state in any loan transaction under sections 191.500 to 191.550, the board may institute any action to recover any amount due.]

[191.550. APPROVAL OF CONTRACTS. —

The contracts made with the participating students shall be approved by the attorney general.]

[335.212. DEFINITIONS. —

As used in sections 335.212 to 335.242, the following terms mean:

- (1) "Board", the Missouri state board of nursing;
- (2) "Department", the Missouri department of health and senior services;
- (3) "Director", director of the Missouri department of health and senior services;
- (4) "Eligible student", a resident who has been accepted as a full-time student in a formal course of instruction leading to an associate degree, a diploma, a bachelor of science, a master of science in nursing (M.S.N.), a doctorate in nursing (Ph.D. or D.N.P.), or a student with a master of science in nursing seeking a doctorate in education (Ed.D.), or leading to the completion of educational requirements for a licensed practical nurse. The doctoral applicant may be a part-time student;

- (5) "Participating school", an institution within this state which is approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242, having a nursing department and offering a course of instruction based on nursing theory and clinical nursing experience;

- (6) "Qualified applicant", an eligible student approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242;

- (7) "Qualified employment", employment on a full-time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in

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section 197.020 or in any agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section;

(8) "Resident", any person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state.]

[335.215. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAMS — ADVISORY PANEL — MEMBERS — RULES, PROCEDURE. — 1. The department of health and senior services shall be the administrative agency for the implementation of the professional and practical nursing student loan program established under sections 335.212 to 335.242, and the nursing student loan repayment program established under sections 335.245 to 335.259.

2. An advisory panel of nurses shall be appointed by the director. It shall be composed of not more than eleven members representing practical, associate degree, diploma, baccalaureate and graduate nursing education, community health, primary care, hospital, long-term care, a consumer, and the Missouri state board of nursing. The panel shall make recommendations to the director on the content of any rules, regulations or guidelines prior to their promulgation. The panel may make recommendations to the director regarding fund allocations for loans and loan repayment based on current nursing shortage needs.

3. The department of health and senior services shall promulgate reasonable rules and regulations for the exercise of its function pursuant to sections 335.212 to 335.259. It shall prescribe the form, the time and method of filing applications and supervise the proceedings thereof. No rule or portion of a rule promulgated under the authority of sections 335.212 to 335.257 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. Ninety-five percent of funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in professional nursing programs in participating schools and five percent of the funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in practical nursing programs. Priority shall be given to eligible students who have established financial need. All loan repayment funds pursuant to sections 335.245 to 335.259 shall be used to reimburse successful associate, diploma, baccalaureate or graduate professional nurse applicants' educational loans who agree to serve in areas of defined need as determined by the department.]

[335.218. NURSE LOAN REPAYMENT FUND ESTABLISHED — ADMINISTRATION. — There is hereby established the "Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund". All fees pursuant to section 335.221, general revenue appropriations to the student loan or loan repayment program, voluntary contributions to support or match the student loan and loan repayment program activities, funds collected from repayment and penalties, and funds received from the federal government shall be deposited in the state treasury and be placed to the credit of the professional and practical nursing student loan and nurse loan repayment fund. The fund shall be managed by the department of health and senior services and all administrative costs and expenses incurred as a result of the effectuation of sections 335.212 to 335.259 shall be paid from this fund.]

[335.221. EDUCATION SURCHARGE, AMOUNT, DEPOSIT IN NURSING STUDENT LOAN AND NURSE LOAN REPAYMENT FUND. — The board, in addition to any other duties it may have regarding licensure of nurses, shall collect, at the time of licensure or licensure renewal, an education surcharge from each person licensed or relicensed pursuant to sections 335.011 to 335.096, in the amount of one dollar per year for practical nurses and five dollars per year for professional nurses. These funds shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund. All

expenditures authorized by sections 335.212 to 335.259 shall be paid from funds appropriated by the general assembly from the professional and practical nursing student loan and nurse loan repayment fund. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.]

[335.224. CONTRACTS FOR REPAYMENT OF LOANS. — The department of health and senior services shall enter into a contract with each qualified applicant receiving financial assistance under the provisions of sections 335.212 to 335.242 for repayment of the principal and interest.]

[335.227. ELIGIBILITY FOR LOAN. — An eligible student may apply to the department for financial assistance under the provisions of sections 335.212 to 335.242 if, at the time of his application for a loan, the eligible student has formally applied for acceptance at a participating school. Receipt of financial assistance is contingent upon acceptance and continued enrollment at a participating school.]

[335.230. FINANCIAL ASSISTANCE, AMOUNT. — Financial assistance to any qualified applicant shall not exceed ten thousand dollars for each academic year for a professional nursing program and shall not exceed five thousand dollars for each academic year for a practical nursing program. All financial assistance shall be made from funds credited to the professional and practical nursing student loan and nurse loan repayment fund. A qualified applicant may receive financial assistance for each academic year he remains a student in good standing at a participating school.]

[335.233. SCHEDULE FOR REPAYMENT OF LOAN — INTEREST, AMOUNT. — The department shall establish schedules for repayment of the principal and interest on any financial assistance made under the provisions of sections 335.212 to 335.242. Interest at the rate of nine and one-half percent per annum shall be charged on all financial assistance made under the provisions of sections 335.212 to 335.242, but the interest and principal of the total financial assistance granted to a qualified applicant at the time of the successful completion of a nursing degree, diploma program or a practical nursing program shall be forgiven through qualified employment.]

[335.236. REPAYMENT OF LOAN — WHEN. — The financial assistance recipient shall repay the financial assistance principal and interest beginning not more than six months after completion of the degree for which the financial assistance was made in accordance with the repayment contract. If an eligible student ceases his study prior to successful completion of a degree or graduation at a participating school, interest at the rate specified in section 335.233 shall be charged on the amount of financial assistance received from the state under the provisions of sections 335.212 to 335.242, and repayment, in accordance with the repayment contract, shall begin within ninety days of the date the financial aid recipient ceased to be an eligible student. All funds repaid by recipients of financial assistance to the department shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]

[335.239. DEFERRAL OF REPAYMENT OF LOANS — WHEN. — The department shall grant a deferral of interest and principal payments to a financial assistance recipient who is pursuing an advanced degree, special nursing program, or upon special conditions established by the department. The deferral shall not exceed four years. The status of each deferral shall be reviewed annually by the department of health and senior services to ensure compliance with the intent of this section.]

[335.242. ACTION TO RECOVER LOANS DUE. — When necessary to protect the interest of the state in any financial assistance transaction under sections 335.212 to 335.259, the department of health and senior services may institute any action to recover any amount due.]

[335.245. DEFINITIONS. — As used in sections 335.245 to 335.259, the following terms mean:

- (1) "Department", the Missouri department of health and senior services;
- (2) "Eligible applicant", a Missouri licensed nurse who has attained either an associate degree, a diploma, a bachelor of science, or graduate degree in nursing from an accredited institution approved by the board of nursing or a student nurse in the final year of a full-time baccalaureate school of nursing leading to a baccalaureate degree or graduate nursing program leading to a master's degree in nursing and has agreed to serve in an area of defined need as established by the department;
- (3) "Participating school", an institution within this state which grants an associate degree in nursing, grants a bachelor or master of science degree in nursing or provides a diploma nursing program which is accredited by the state board of nursing, or a regionally accredited institution in this state which provides a bachelor of science completion program for registered professional nurses;
- (4) "Qualified employment", employment on a full-time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020 or public or nonprofit agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section.]

[335.248. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAM — RULES AND REGULATIONS. — Sections 335.245 to 335.259 shall be known as the "Nursing Student Loan Repayment Program". The department of health and senior services shall be the administrative agency for the implementation of the authority established by sections 335.245 to 335.259. The department shall promulgate reasonable rules and regulations necessary to implement sections 335.245 to 335.259. Promulgated rules shall include, but not be limited to, applicant eligibility, selection criteria, prioritization of service obligation sites and the content of loan repayment contracts, including repayment schedules for those in default and penalties. The department shall promulgate rules regarding recruitment opportunities for minority students into nursing schools. Priority for student loan repayment shall be given to eligible applicants who have demonstrated financial need. All funds collected by the department from participants not meeting their contractual obligations to the state shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]

[335.251. LOAN REPAYMENT CONTRACT — QUALIFIED EMPLOYMENT — RECOVERY OF AMOUNTS DUE. — Upon proper verification to the department by the eligible applicant of securing qualified employment in this state, the department shall enter into a loan repayment contract with the eligible applicant to repay the interest and principal on the educational loans of the applicant to the limit of the contract, which contract shall provide for instances of less than full-time qualified employment consistent with the provisions of section 335.233, out of any appropriation made to the professional and practical nursing student loan and nurse loan repayment fund. If the applicant breaches the contract by failing to begin or complete the qualified employment, the department is entitled to recover the total of the loan repayment paid by the department plus interest on the repaid amount at the rate of nine and one-half percent per annum.]

[335.254. LAW NOT TO REQUIRE CERTAIN CONTRACTS. — Sections 335.212 to 335.259 shall not be construed to require the department to enter into contracts with individuals who qualify for nursing education loans or nursing loan repayment programs when federal, state and local funds are not available for such purposes.]

[335.257 VERIFICATION OF QUALIFIED EMPLOYMENT..— Successful applicants for whom loan payments are made under the provisions of sections 335.245 to 335.259 shall verify to the department twice each year in the manner prescribed by the department that qualified employment in this state is being maintained.]

[632.300. PROCEDURE WHEN A LIKELIHOOD OF SERIOUS HARM IS ALLEGED. — 1. When a mental health coordinator receives information alleging that a person, as the result of a mental disorder, presents a likelihood of serious harm to himself or others, he shall:

- (1) Conduct an investigation;
- (2) Evaluate the allegations and the data developed by investigation; and
- (3) Evaluate the reliability and credibility of all sources of information.

2. If, as the result of personal observation or investigation, the mental health coordinator has reasonable cause to believe that such person is mentally disordered and, as a result, presents a likelihood of serious harm to himself or others, the mental health coordinator may file an application with the court having probate jurisdiction pursuant to the provisions of section 632.305; provided, however, that should the mental health coordinator have reasonable cause to believe, as the result of personal observation or investigation, that the likelihood of serious harm by such person to himself or others as a result of a mental disorder is imminent unless the person is immediately taken into custody, the mental health coordinator shall request a peace officer to take or cause such person to be taken into custody and transported to a mental health facility in accordance with the provisions of subsection 3 of section 632.305.

3. If the mental health coordinator determines that involuntary commitment is not appropriate, he should inform either the person, his family or friends about those public and private agencies and courts which might be of assistance.]

SECTION B. EMERGENCY CLAUSE FOR CERTAIN SECTIONS — Because immediate action is necessary to address the shortage of health care providers in this state, and because of the importance of ensuring healthy pregnancies and healthy women and children in Missouri in the face of growing maternal mortality, the enactment of section 191.592, and the repeal and reenactment of sections 208.151 and 208.662 of this act, are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 191.592, and the repeal and reenactment of sections 208.151 and 208.662 of this act shall be in full force and effect upon its passage and approval.

Approved July 6, 2023

CCS HCS SB 109

Enacts provisions relating to natural resources.

AN ACT to repeal sections 12.070, 163.024, 256.700, 256.710, 259.080, 260.262, 260.273, 260.380, 260.392, 260.475, 293.030, 444.768, 444.772, 640.099, 640.100, 643.079, 644.051, and 644.057, RSMo, and to enact in lieu thereof twenty new sections relating to natural resources.

SECTION

- A Enacting clause.
12.070 Sums received from United States shall be expended, how.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 163.024 Environmental violations, moneys received from payment of civil penalty excluded from local effort — special provisions, Iron County (Iron, Jefferson, Reynolds, and Washington counties).
- 256.700 Surface mining, fee — director to require fee, when — amount of fee — expiration date — rulemaking authority.
- 256.710 Industrial minerals advisory council created, members, duties, terms, vacancies.
- 256.800 Citation of law — definitions — flood resiliency improvement fund established, use of moneys — program established, requirements — rulemaking authority.
- 259.080 Permits — fee structure proposal.
- 260.262 Retailers of lead-acid batteries, duties — notice to purchaser, contents.
- 260.273 Fee, sale of new tires, amount — collection, use of moneys — termination.
- 260.380 Duties of hazardous waste generators — fees to be collected, disposition — exemptions — expiration of fees.
- 260.392 Definitions — fees for transport of radioactive waste — deposit of moneys, use — notice of shipments — sunset date.
- 260.475 Fees to be paid by hazardous waste generators — exceptions — deposit of moneys — violations, penalty — deposit — fee requirement, expiration — fee structure review.
- 293.030 Mine inspection fees, report, payment — fund created — records subject to inspection — late fee, amount — court action, when.
- 444.768 Fee, bond, or assessment structure, comprehensive review — proposal to be submitted, approval by commission — rulemaking requirements — late fee, when — court action, when.
- 444.772 Permit — application, contents, fees — amendment, how made — successor operator, duties of — fees expire, when.
- 640.023 Permitting or regulatory action based solely on guidance, prohibited when.
- 640.099 Nonseverability of act.
- 640.100 Commission, duties, promulgate rules — political subdivisions may set certain additional standards — certain departments test water supply, when — fees, amount — federal compliance — customer fees, effective, when — fee review.
- 643.079 Fees, amount — deposit of moneys, where, subaccount to be maintained — civil action for failure to remit fees, effect upon permit — agencies, determination of fees — fee structure revision.
- 644.051 Prohibited acts — permits required, when, fee — permit application procedures — rulemaking — limitation on use of permit fee moneys — permit shield provisions.
- 644.057 Clean water fee structure review, requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 12.070, 163.024, 256.700, 256.710, 259.080, 260.262, 260.273, 260.380, 260.392, 260.475, 293.030, 444.768, 444.772, 640.099, 640.100, 643.079, 644.051, and 644.057, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 12.070, 163.024, 256.700, 256.710, 256.800, 259.080, 260.262, 260.273, 260.380, 260.392, 260.475, 293.030, 444.768, 444.772, 640.023, 640.099, 640.100, 643.079, 644.051, and 644.057, to read as follows:

12.070. SUMS RECEIVED FROM UNITED STATES SHALL BE EXPENDED, HOW. — 1. All sums of money received from the United States under an act of Congress, approved May 23, 1908, being an act providing for the payment to the states of twenty-five percent of all money received from the national

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forest reserves in the states for forest timber and other forest products to be expended as the legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated (16 U.S.C.A. § 500) shall be expended as follows: Seventy-five percent for the public schools and twenty-five percent for roads in the counties in which national forests are situated. The funds shall be used to aid in maintaining the schools and roads of those school districts that lie or are situated partly or wholly within or adjacent to the national forest in the county. The distribution to each county from the proceeds received on account of a national forest within its boundaries shall be in the proportion that the area of the national forest in the county bears to the total area of the forest in the state, as of June thirtieth of the fiscal year for which the money is received.

2. All sums of moneys received from the United States under 16 U.S.C. Section 500 and 16 U.S.C. Section 520 providing for the payment to the states of all moneys received from the national forest reserves in the states for mineral products to be expended as the legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated shall be expended as follows: fifty percent for the public schools and fifty percent for roads in the counties in which the national forests are situated. The distribution to each county from the proceeds received on account of a national forest within its boundaries shall be as follows: eighty-five percent of all proceeds shall be split in proportional shares based on the amount of minerals extracted per year in each county where mining occurs and fifteen percent of all proceeds shall be split equally between counties where there is no mining.

163.024. ENVIRONMENTAL VIOLATIONS, MONEYS RECEIVED FROM PAYMENT OF CIVIL PENALTY EXCLUDED FROM LOCAL EFFORT — SPECIAL PROVISIONS, IRON COUNTY (IRON, JEFFERSON, REYNOLDS, AND WASHINGTON COUNTIES). — 1. All moneys received in the Iron County school fund, Reynolds County school fund, Jefferson County school fund, and Washington County school fund from the payment of a civil penalty pursuant to a consent decree filed in the United States district court for the eastern district of Missouri in December, 2011, in the case of United States of America and State of Missouri v. the Doe Run Resources Corporation d/b/a "The Doe Run Company," and the Buick Resource Recycling Facility, LLC, because of environmental violations shall not be included in any district's local effort figure, as such term is defined in section 163.011. The provisions of this [section] subsection shall terminate on July 1, 2016.

2. (1) No moneys received in the Iron County school fund from the payment of any penalty, whether to resolve violations or as payment of any stipulated penalty, under Administrative Order on Consent No. APCP-2019-001 ("Order") issued by the department of natural resources and effective on August 30, 2019, shall be included as part of such school district's local effort for the calculation of local effort under section 163.011.

(2) The department of elementary and secondary education shall reimburse such school district for the amount of any moneys described in subdivision (1) of this subsection that are or have been included in such school district's local effort contrary to subdivision (1) of this subsection.

(3) The department of natural resources shall notify the revisor of statutes when the Order is terminated as provided in the Order, and this subsection shall expire on the last day of the fiscal year in which the revisor receives such notification from the department.

256.700. SURFACE MINING, FEE — DIRECTOR TO REQUIRE FEE, WHEN — AMOUNT OF FEE — EXPIRATION DATE — RULEMAKING AUTHORITY. — 1. Any operator desiring to engage in surface mining who applies for a permit under section 444.772 shall, in addition to all other fees authorized under such section, annually submit a geologic resources fee. Such fee shall be deposited in the geologic resources fund established and expended under section 256.705. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, there shall be no fee under this section.

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Matter underscored is proposed language.

2. The director of the department of natural resources may require a geologic resources fee for each permit not to exceed one hundred dollars. The director may also require a geologic resources fee for each site listed on a permit not to exceed one hundred dollars for each site. The director may also require a geologic resources fee for each acre permitted by the operator under section 444.772 not to exceed ten dollars per acre. If such fee is assessed, the fee per acre on all acres bonded by a single operator that exceeds a total of three hundred acres shall be reduced by fifty percent. In no case shall the geologic resources fee portion for any permit issued under section 444.772 be more than three thousand five hundred dollars.

3. Beginning August 28, 2007, the geologic resources fee shall be set at a permit fee of fifty dollars, a site fee of fifty dollars, and an acre fee of six dollars. Fees may be raised as allowed in this subsection by a regulation change promulgated by the director of the department of natural resources. Prior to such a regulation change, the director shall consult the industrial minerals advisory council created under section 256.710 in order to determine the need for such an increase in fees.

4. Fees imposed under this section shall become effective August 28, 2007, and shall expire on December 31, ~~[2025]~~ 2031. No other provisions of sections 256.700 to 256.710 shall expire.

5. The department of natural resources may promulgate rules to implement the provisions of sections 256.700 to 256.710. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

256.710. INDUSTRIAL MINERALS ADVISORY COUNCIL CREATED, MEMBERS, DUTIES, TERMS, VACANCIES. — 1. There is hereby created an advisory council to the state geologist known as the "Industrial Minerals Advisory Council". The council shall be composed of nine members as follows:

- (1) The director of the department of transportation or his or her designee;
- (2) Eight representatives of the following industries, with no more than four appointees from any one industry, appointed by the director of the department of natural resources:
 - (a) ~~[Three representing the]~~ Limestone quarry operators;
 - (b) ~~[One representing the]~~ Clay mining ~~[industry]~~;
 - (c) ~~[One representing the]~~ Sandstone mining ~~[industry]~~;
 - (d) ~~[One representing the]~~ Sand and gravel mining ~~[industry]~~;
 - (e) ~~[One representing the]~~ Barite mining ~~[industry]~~; ~~[and]~~
 - (f) ~~[One representing the]~~ Granite mining ~~[industry]~~; and
 - (g) Other nonmetallic surface mining.

The director of the department of natural resources or his or her designee shall act as chairperson of the council and convene the council as needed.

2. The advisory council shall:
 - (1) Meet at least once each year;
 - (2) Annually review with the state geologist the income received and expenditures made under sections 256.700 and 256.705;
 - (3) Consider all information and advise the director of the department of natural resources in determining the method and amount of fees to be assessed;
 - (4) In performing its duties under this subsection, represent the best interests of the Missouri mining industry;

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(5) Serve in an advisory capacity in all matters pertaining to the administration of this section and section 256.700;

(6) Serve in an advisory capacity in all other matters brought before the council by the director of the department of natural resources.

3. All members of the advisory council, with the exception of the director of the department of transportation or his or her designee who shall serve indefinitely, shall serve for terms of three years and until their successors are duly appointed and qualified; except that, of the members first appointed:

(1) One member who represents the limestone quarry operators, the representative of the clay mining industry, and the representative of the sandstone mining industry shall serve terms of three years;

(2) One member who represents the limestone quarry operators, the representative of the sand and gravel mining industry, and the representative of the barite mining industry shall serve terms of two years; and

(3) One member who represents the limestone quarry operators, and the representative of the granite mining industry shall serve a term of one year.

4. All members shall be residents of this state. Any member may be reappointed.

5. All members shall be reimbursed for reasonable expenses incurred in the performance of their official duties in accordance with the reimbursement policy set by the director. All reimbursements paid under this section shall be paid from fees collected under section 256.700.

6. Every vacancy on the advisory council shall be filled by the director of the department of natural resources. The person selected to fill any such vacancy shall possess the same qualifications required by this section as the member he or she replaces and shall serve until the end of the unexpired term of his or her predecessor.

256.800. CITATION OF LAW — DEFINITIONS — FLOOD RESILIENCY IMPROVEMENT FUND ESTABLISHED, USE OF MONEYS — PROGRAM ESTABLISHED, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Flood Resiliency Act".

2. As used in this section, unless the context otherwise requires, the following terms shall mean:

(1) "Director", the director of the department of natural resources;

(2) "Flood resiliency measures", structural improvements, studies, and activities employed to improve flood resiliency in local to regional or multi-jurisdictional areas;

(3) "Flood resiliency project", a project containing planning, design, construction, or renovation of flood resiliency measures or the conduct of studies or activities in support of flood resiliency measures;

(4) "Partner", a political subdivision, entity, or person working in conjunction with a promoter to facilitate the completion of a flood resiliency project;

(5) "Plan", a preliminary report describing the need for, and implementation of, flood resiliency measures;

(6) "Promoter", any political subdivision of the state, or any levee district or drainage district organized or incorporated in the state.

3. (1) There is hereby established in the state treasury a fund to be known as the "Flood Resiliency Improvement Fund", which shall consist of all moneys deposited in such fund from any source, whether public or private. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely for the purposes of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(2) Upon appropriation, the department of natural resources shall use moneys in the fund created by this subsection for the purposes of carrying out the provisions of this section including, but not limited

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to, the provision of grants or other financial assistance and, if limitations or conditions are imposed, only upon such other limitations or conditions specified in the instrument that appropriates, grants, bequeaths, or otherwise authorizes the transmission of moneys to the fund.

4. In order to increase flood resiliency along the Missouri and Mississippi Rivers and their tributaries and improve statewide flood forecasting and monitoring ability, there is hereby established a "Flood Resiliency Program". The program shall be administered by the department of natural resources. The state may participate with a promoter in the development, construction, or renovation of a flood resiliency project if the promoter has a plan that has been submitted to and approved by the director, or the state may promote a flood resiliency project and initiate a plan on its own accord.

5. The plan shall include a description of the flood resiliency project, the need for the project, the flood resiliency measures to be implemented, the partners to be involved in the project, and other such information as the director may require to adequately evaluate the merit of the project.

6. The director shall approve a plan only upon a determination that long-term flood mitigation is needed in that area of the state and that such a plan proposes flood resiliency measures that will provide long-term flood resiliency.

7. Promoters with approved flood resiliency plans and their partners shall be eligible to receive any gifts, contributions, grants, or bequests from federal, state, private, or other sources for costs associated with flood resiliency projects that are part of such plans.

8. Promoters with approved flood resiliency plans and their partners may be granted moneys from the flood resiliency improvement fund under subsection 3 of this section for eligible costs associated with flood resiliency projects that are part of such plans.

9. The department of natural resources is hereby granted authority to promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

259.080. PERMITS — FEE STRUCTURE PROPOSAL. — 1. It shall be unlawful to commence operations for the drilling of a well for oil or gas, or to commence operations to deepen any well to a different geological formation, or to commence injection activities for enhanced recovery of oil or gas or for disposal of fluids, without first giving the state geologist notice of intention to drill or intention to inject and first obtaining a permit from the state geologist under such rules and regulations as may be prescribed by the council.

2. The department of natural resources may conduct a comprehensive review, and propose a new fee structure, or propose changes to the oil and gas fee structure, which may include but need not be limited to permit application fees, operating fees, closure fees, and late fees, and an extraction or severance fee. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: oil and gas industry representatives, the advisory committee, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee structure or changes to the oil and gas fee structure with stakeholder agreement to the oil and gas council. The council shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the council approves, by vote of two-thirds majority, the fee structure recommendations, the council shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to file the final order of rulemaking for such rule with the joint committee on administrative rules under

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sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out in this section, they shall take effect on January first of the following year, at which point the existing fee structure shall expire. Any regulation promulgated under this subsection shall be deemed beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation, disapproves the regulation by concurrent resolution. If the general assembly so disapproved any regulation filed under this subsection, the department and the council shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the council to further revise the fee structure as provided in this subsection shall expire on August 28, ~~[2025]~~ 2031. If the council's authority to revise the fee structure as provided by this subsection expires, the fee structure in place at the time of expiration shall remain in place.

3. Failure to pay the fees, or any portion thereof, established under this section or to submit required reports, forms or information by the due date shall result in the imposition of a late fee established by the council. The department may issue an administrative order requiring payment of unpaid fees or may request that the attorney general bring an action in the appropriate circuit court to collect any unpaid fee, late fee, interest, or attorney's fees and costs incurred directly in fee collection. Such action may be brought in the circuit court of Cole County, or, in the case of well fees, in the circuit court of the county in which the well is located.

260.262. RETAILERS OF LEAD-ACID BATTERIES, DUTIES — NOTICE TO PURCHASER, CONTENTS. — A person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in the state shall:

- (1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;
- (2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:
 - (a) It is illegal to discard a motor vehicle battery or other lead-acid battery;
 - (b) Recycle your used batteries; and
 - (c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and
- (3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;
- (4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form and manner required by the department and shall include the total number of batteries sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries sold for use in agricultural operations upon written certification by the purchaser; and
- (5) The department of revenue shall administer, collect, and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee created in subdivision (4) and this

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subdivision shall be effective October 1, 2005. The provisions of subdivision (4) and this subdivision shall terminate December 31, ~~2023~~ 2029.

260.273. FEE, SALE OF NEW TIRES, AMOUNT — COLLECTION, USE OF MONEYS — TERMINATION. — 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee.

3. The department of revenue shall administer, collect and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as provided in this section. The proceeds of the new tire fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into an appropriate subaccount of the solid waste management fund, created pursuant to section 260.330.

4. Up to five percent of the revenue available may be allocated, upon appropriation, to the department of natural resources to be used cooperatively with the department of elementary and secondary education for the purposes of developing environmental educational materials, programs, and curriculum that assist in the department's implementation of sections 260.200 to 260.345.

5. Up to fifty percent of the moneys received pursuant to this section may, upon appropriation, be used to administer the programs imposed by this section. Up to forty-five percent of the moneys received under this section may, upon appropriation, be used for the grants authorized in subdivision (2) of subsection 6 of this section. All remaining moneys shall be allocated, upon appropriation, for the projects authorized in section 260.276, except that any unencumbered moneys may be used for public health, environmental, and safety projects in response to environmental or public health emergencies and threats as determined by the director.

6. The department shall promulgate, by rule, a statewide plan for the use of moneys received pursuant to this section to accomplish the following:

- (1) Removal of scrap tires from illegal tire dumps;
- (2) Providing grants to persons that will use products derived from scrap tires, or use scrap tires as a fuel or fuel supplement; and
- (3) Resource recovery activities conducted by the department pursuant to section 260.276.

7. The fee imposed in subsection 2 of this section shall begin the first day of the month which falls at least thirty days but no more than sixty days immediately following August 28, 2005, and shall terminate December 31, ~~2025~~ 2031.

260.380. DUTIES OF HAZARDOUS WASTE GENERATORS — FEES TO BE COLLECTED, DISPOSITION — EXEMPTIONS — EXPIRATION OF FEES. — 1. After six months from the effective date of the standards, rules and regulations adopted by the commission pursuant to section 260.370, hazardous waste generators located in Missouri shall:

(1) Promptly file and maintain with the department, on registration forms it provides for this purpose, information on hazardous waste generation and management as specified by rules and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon initial registration, and a one hundred dollar registration renewal fee annually thereafter to maintain an active registration. Such fees shall be deposited in the hazardous waste fund created in section 260.391;

(2) Containerize and label all hazardous wastes as specified by standards, rules and regulations;

(3) Segregate all hazardous wastes from all nonhazardous wastes and from noncompatible wastes, materials and other potential hazards as specified by standards, rules and regulations;

(4) Provide safe storage and handling, including spill protection, as specified by standards, rules and regulations, for all hazardous wastes from the time of their generation to the time of their removal from the site of generation;

(5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all hazardous wastes from the premises where they were generated;

(6) Unless provided otherwise in the rules and regulations, provide a separate manifest to the transporter for each load of hazardous waste transported from the premises where it was generated. The generator shall specify the destination of such load on the manifest. The manner in which the manifest shall be completed, signed and filed with the department shall be in accordance with rules and regulations;

(7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes, only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act, or any facility exempted from the permit required pursuant to section 260.395;

(8) Collect and maintain such records, perform such monitoring or analyses, and submit such reports on any hazardous waste generated, its transportation and final disposition, as specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections 260.350 to 260.430;

(9) Make available to the department upon request samples of waste and all records relating to hazardous waste generation and management for inspection and copying and allow the department to make unhampered inspections at any reasonable time of hazardous waste generation and management facilities located on the generator's property and hazardous waste generation and management practices carried out on the generator's property;

(10) (a) Pay annually, on or before January first of each year, effective January 1, 1982, a fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five dollars per ton or portion thereof of hazardous waste registered with the department as specified in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site per year nor be less than one hundred fifty dollars per generator site per year.

(b) All moneys payable pursuant to the provisions of this subdivision shall be promptly transmitted to the department of revenue, which shall deposit the same in the state treasury to the credit of the hazardous waste fund created in section 260.391.

(c) The hazardous waste management commission shall establish and submit to the department of revenue procedures relating to the collection of the fees authorized by this subdivision. Such procedures shall include, but not be limited to, necessary records identifying the quantities of hazardous waste registered, the form and submission of reports to accompany the payment of fees, the time and manner of payment of fees, which shall not be more often than quarterly.

(d) Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order

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to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year and the fee structure set out in this section shall expire upon the effective date of the commission-adopted fee structure, contrary to subsection 4 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, [2024. Any fee, bond, or assessment structure established pursuant to the process in this section shall expire on August 28, 2024] 2030. If the commission's authority to revise the fee structure as provided by this subdivision expires, the fee structure in place at the time of expiration shall remain in place.

2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before January first of each year, a fee to the department equal to two dollars per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve-month period ending June thirtieth of the previous year.

3. Exempted from the requirements of this section are individual householders and farmers who generate only small quantities of hazardous waste and any person the commission determines generates only small quantities of hazardous waste on an infrequent basis, except that:

(1) Householders, farmers and exempted persons shall manage all hazardous wastes they may generate in a manner so as not to adversely affect the health of humans, or pose a threat to the environment, or create a public nuisance; and

(2) The department may determine that a specific quantity of a specific hazardous waste requires special management. Upon such determination and after public notice by press release or advertisement thereof, including instructions for handling and delivery, generators exempted pursuant to this subsection shall deliver, but without a manifest or the requirement to use a licensed hazardous waste transporter, such waste to:

(a) Any storage, treatment or disposal site authorized to operate pursuant to sections 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous waste management program authorized pursuant to the federal Resource Conservation and Recovery Act which the department designates for this purpose; or

(b) A collection station or vehicle which the department may arrange for and designate for this purpose.

4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee prescribed in this section shall expire December 31, 2018, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

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260.392. DEFINITIONS — FEES FOR TRANSPORT OF RADIOACTIVE WASTE — DEPOSIT OF MONEYS, USE — NOTICE OF SHIPMENTS — SUNSET DATE. — 1. As used in sections 260.392 to 260.399, the following terms mean:

(1) "Cask", all the components and systems associated with the container in which spent fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive waste are stored;

(2) "High-level radioactive waste", the highly radioactive material resulting from the reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations, and other highly radioactive material that the United States Nuclear Regulatory Commission has determined to be high-level radioactive waste requiring permanent isolation;

(3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended, a quantity of radioactive material within a single package. Highway route controlled quantity shipments of thirty miles or less within the state are exempt from the provisions of this section;

(4) "Low-level radioactive waste", any radioactive waste not classified as high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste that are within a radius of no more than fifty miles from the point of origin, and all naturally occurring radioactive material given written approval for landfill disposal by the Missouri department of natural resources under 10 CSR 80- 3.010 are exempt from the provisions of this section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one hundred twenty days is exempt from the provisions of this section;

(5) "Shipper", the generator, owner, or company contracting for transportation by truck or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity shipments, transuranic radioactive waste, or low-level radioactive waste;

(6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing;

(7) "State-funded institutions of higher education", any campus of any university within the state of Missouri that receives state funding and has a nuclear research reactor;

(8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with half-lives greater than twenty years, per gram of waste. For the purposes of this section, transuranic waste shall not include:

(a) High-level radioactive wastes;

(b) Any waste determined by the Environmental Protection Agency with the concurrence of the Environmental Protection Agency administrator that does not need the degree of isolation required by this section; or

(c) Any waste that the United States Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state shall be subject to the fees established in this subsection, provided that no state-funded institution of higher education that ships nuclear waste shall pay any such fee. These higher education institutions shall reimburse the Missouri state highway patrol directly for all costs related to shipment escorts. The fees for all other shipments shall be:

(1) One thousand eight hundred dollars for each truck transporting through or within the state high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or highway route controlled quantity shipments. All truck shipments of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments are subject to a surcharge of twenty-five dollars per mile for every mile over two hundred miles traveled within the state;

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Matter underscored is proposed language.

(2) One thousand three hundred dollars for the first cask and one hundred twenty-five dollars for each additional cask for each rail shipment through or within the state of high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

(3) One hundred twenty-five dollars for each truck or train transporting low-level radioactive waste through or within the state.

The department of natural resources may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment.

3. All revenue generated from the fees established in subsection 2 of this section shall be deposited into the environmental radiation monitoring fund established in section 260.750 and shall be used by the department of natural resources to achieve the following objectives and for purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste, including, but not limited to:

(1) Inspections, escorts, and security for waste shipment and planning;

(2) Coordination of emergency response capability;

(3) Education and training of state, county, and local emergency responders;

(4) Purchase and maintenance of necessary equipment and supplies for state, county, and local emergency responders through grants or other funding mechanisms;

(5) Emergency responses to any transportation incident involving the high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;

(6) Oversight of any environmental remediation necessary resulting from an incident involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste. Reimbursement for oversight of any such incident shall not reduce or eliminate the liability of any party responsible for the incident; such party may be liable for full reimbursement to the state or payment of any other costs associated with the cleanup of contamination related to a transportation incident;

(7) Administrative costs attributable to the state agencies which are incurred through their involvement as it relates to the shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste through or within the state.

4. Nothing in this section shall preclude any other state agency from receiving reimbursement from the department of natural resources and the environmental radiation monitoring fund for services rendered that achieve the objectives and comply with the provisions of this section.

5. Any unencumbered balance in the environmental radiation monitoring fund that exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on a pro rata basis, based on the shipper's contribution into the environmental radiation monitoring fund for that fiscal year.

6. The department of natural resources, in coordination with the department of health and senior services and the department of public safety, may promulgate rules necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

7. All funds deposited in the environmental radiation monitoring fund through fees established in subsection 2 of this section shall be utilized, subject to appropriation by the general assembly, for the

administration and enforcement of this section by the department of natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

8. All fees shall be paid to the department of natural resources prior to shipment.

9. Notice of any shipment of high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the state shall be provided by the shipper to the governor's designee for advanced notification, as described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state. Notice of any shipment of low-level radioactive waste through or within the state shall be provided by the shipper to the Missouri department of natural resources before such shipment enters the state.

10. Any shipper who fails to pay a fee assessed under this section, or fails to provide notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the amount assessed and not paid. The action shall be brought by the attorney general at the request of the department of natural resources. If the action involves a facility domiciled in the state, the action shall be brought in the circuit court of the county in which the facility is located. If the action does not involve a facility domiciled in the state, the action shall be brought in the circuit court of Cole County.

11. Beginning on December 31, 2009, and every two years thereafter, the department of natural resources shall prepare and submit a report on activities of the environmental radiation monitoring fund to the general assembly. This report shall include information on fee income received and expenditures made by the state to enforce and administer the provisions of this section.

12. The provisions of this section shall not apply to high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the federal government for military or national defense purposes.

13. The program authorized under this section shall automatically sunset on August 28, [2024] 2030.

260.475. FEES TO BE PAID BY HAZARDOUS WASTE GENERATORS — EXCEPTIONS — DEPOSIT OF MONEYS — VIOLATIONS, PENALTY — DEPOSIT — FEE REQUIREMENT, EXPIRATION — FEE STRUCTURE REVIEW. — 1. Every hazardous waste generator located in Missouri shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

(1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;

(2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

(3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;

(4) Cement kiln dust waste;

(5) Waste oil; or

(6) Hazardous waste that is:

(a) Reclaimed or reused for energy and materials;

(b) Transformed into new products which are not wastes;

(c) Destroyed or treated to render the hazardous waste nonhazardous; or

(d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. All moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee shall be deposited in the hazardous waste fund.

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, all of which shall be deposited in the hazardous waste fund.

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste fund.

7. This fee shall expire December 31, 2018, except that the department shall levy and collect this fee for any hazardous waste generated prior to such date and reported to the department.

8. Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: cement kiln representatives, chemical companies, large and small hazardous waste generators, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee structure with stakeholder agreement to the hazardous waste management commission. The commission shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year and the fee structure set out in this section shall expire upon the effective date of the commission-adopted fee structure, contrary to subsection 7 of this section. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, [2024. Any fee, bond, or assessment structure established pursuant to the process in this section shall expire on August 28, 2024] 2030. If the commission's authority to revise the fee structure as provided by this subsection expires, the fee structure in place at the time of expiration shall remain in place.

293.030. MINE INSPECTION FEES, REPORT, PAYMENT — FUND CREATED — RECORDS SUBJECT TO INSPECTION — LATE FEE, AMOUNT — COURT ACTION, WHEN. — 1. Every operator engaged in this state in the mining or production of minerals for commercial purposes shall, within thirty days after the end of each quarter-annual period, file with the director and with the division of taxation and collection of the department of revenue a statement, under oath, on forms to be prescribed and furnished in triplicate by the director, showing the total amount of minerals sold, shipped or otherwise disposed of during the last preceding quarter-annual period; and shall, at the same time, pay on the primary products of his operations sold, shipped or otherwise disposed of for profit to the division of taxation and collection of the department of revenue mine inspection fees [as follows] which shall include, but not be limited to:

- (1) On lead concentrates or galena, [three] seven and three-tenths cents per ton;
- (2) On zinc ore or concentrates thereof, [three] seven and three-tenths cents per ton;
- (3) On lead carbonate or concentrates thereof, [one and one-half] three and seven-tenths cents per ton;
- (4) On zinc carbonate or concentrates thereof, [one and one-half] three and seven-tenths cents per ton;
- (5) On zinc silicate or calamine or concentrates thereof, [one and one-half] three and seven-tenths cents per ton;
- (6) On all coal, [two] four and nine-tenths mills per ton;
- (7) On all clays, [two] four and nine-tenths mills per ton;
- (8) On shale, [one mill] two and four-tenths mills per ton;
- (9) On copper concentrates, [three] seven and three-tenths cents per ton;
- (10) On iron ore or concentrates thereof, [two] four and nine-tenths mills per ton;
- (11) On silica, [one mill] two and four-tenths mills per ton;
- (12) On granite, [one cent] two and four-tenths cents per ton;
- (13) On rhyolite, two and four-tenths cents per ton;
- (14) On manganese, [three] seven and three-tenths cents per ton;
- (15) On cobalt, seven and three-tenths cents per ton.

2. [For each of the years beginning January 1, 1985, January 1, 1986, January 1, 1987, and January 1, 1988, the fees as provided in subsection 1 of this section shall be increased yearly by twenty-five percent. The fees for each year after 1988 shall be the same as provided for the year 1988] In the event a new mineral is mined that is a chemical equivalent of a mineral listed in this section, the director shall announce the addition of the mineral and its associated fee by publishing a notice. Publication of the notice is contingent upon approval of the mineral's addition to the section by the labor and industrial relations commission. The additional mineral and fee shall take effect sixty days after publication of such notice and be added to a regulation.

3. The provisions of subsections 1 and 2 of this section to the contrary notwithstanding, every operator engaged in mining or production of minerals for commercial purpose in this state shall pay to the division of taxation and collection within thirty days after the end of each quarter-annual period a minimum mine inspection fee of [ten] twenty-five dollars.

4. These fees shall be deposited in the state treasury and credited to the "State Mine Inspection Fund", which is hereby created.

5. The director and the division of taxation and collection of the department of revenue shall, for the purpose of verifying the statement required in this section, have access to the tonnage and footage records of production, shipments and sales records of all persons, firms and corporations subject to the provisions of this chapter, and of their respective vendees and agents of such vendees, and of carriers of the products herein enumerated.

6. Failure to pay a fee listed in this section within the thirty days after the end of each quarter-annual period may result in the imposition of a late fee equal to ten percent of the unpaid amount. The director

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may bring an action in the appropriate circuit court to collect any unpaid fee, late fee, interest, or attorney's fees and costs incurred directly in fee collection. Such action may be brought in the circuit court of the county in which the mine is located or in the circuit court of Cole County.

444.768. FEE, BOND, OR ASSESSMENT STRUCTURE, COMPREHENSIVE REVIEW — PROPOSAL TO BE SUBMITTED, APPROVAL BY COMMISSION — RULEMAKING REQUIREMENTS — LATE FEE, WHEN — COURT ACTION, WHEN. — 1. Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the fee, bond, or assessment structure as set forth in this chapter. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from regulated entities and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee, bond, or assessment structure with stakeholder agreement to the Missouri mining commission. The commission shall review such recommendations at a forthcoming regular or special meeting, but shall not vote on the proposed structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority, the fee, bond, or assessment structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended structure, and after considering public comments may authorize the department to file the final order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year, at which point the existing fee, bond, or assessment structure shall expire upon the effective date of the commission-adopted fee structure, contrary to subsection 12 of section 444.772. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly within the first sixty days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee, bond, or assessment structure and shall continue to use the previous fee, bond, or assessment structure. The authority for the commission to further revise the fee, bond, or assessment structure as provided in this subsection shall expire on August 28, [2024. Any fee, bond, or assessment structure established pursuant to the process in this section shall expire on August 28, 2024] 2030. If the commission's authority to revise the fee structure as provided by this subsection expires, the fee structure in place at the time of expiration shall remain in place.

2. Failure to pay any fee, bond, or assessment, or any portion thereof, referenced in this section by the due date may result in the imposition of a late fee equal to fifteen percent of the unpaid amount, plus ten percent interest per annum. Any order issued by the department under this chapter may require payment of such amounts. The department may bring an action in the appropriate circuit court to collect any unpaid fee, late fee, interest, or attorney's fees and costs incurred directly in fee collection. Such action may be brought in the circuit court of the county in which the facility is located, or in the circuit court of Cole County.

444.772. PERMIT — APPLICATION, CONTENTS, FEES — AMENDMENT, HOW MADE — SUCCESSOR OPERATOR, DUTIES OF — FEES EXPIRE, WHEN. — 1. Any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:
- (1) The name of all persons with any interest in the land to be mined;
 - (2) The source of the applicant's legal right to mine the land affected by the permit;
 - (3) The permanent and temporary post office address of the applicant;

(4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778, a geologic resources fee authorized under section 256.700, and a permit fee approved by the commission not to exceed one thousand dollars. The commission may also require a fee for each site listed on a permit not to exceed four hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed twenty dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of two hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than three thousand dollars. Permit and renewal fees shall be established by rule, except for the initial fees as set forth in this subsection, and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred dollars. The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790. Beginning August 28, 2007, the fees shall be set at a permit fee of eight hundred dollars, a site fee of four hundred dollars, and an acre fee of ten dollars, with a maximum fee of three thousand dollars. Fees may be raised as allowed in this subsection after a regulation change that demonstrates the need for increased fees.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than three thousand dollars. For any operator involved in any gravel mining operation where the annual tonnage

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of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars. Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050 to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners whose property is:

(1) Within two thousand six hundred forty feet, or one-half mile from the border of the proposed mine plan area; and

(2) Adjacent to the proposed mine plan area, land upon which the mine plan area is located, or adjacent land having a legal relationship with either the applicant or the owner of the land upon which the mine plan area is located.

The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the director may consider in issuing a permit may request a public meeting or file written comments to the director no later than fifteen days following the final public notice publication date. If any person requests a public meeting, the applicant shall cooperate with the director in making all necessary arrangements for the public meeting to be held in a reasonably convenient location and at a reasonable time for interested participants, and the applicant shall bear the expenses.

11. The director may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2007, and shall expire on December 31, [2024] 2030. No other provisions of this section shall expire.

640.023. PERMITTING OR REGULATORY ACTION BASED SOLELY ON GUIDANCE, PROHIBITED WHEN. — Notwithstanding any provision of law to the contrary, the department of natural resources shall not take any permitting or regulatory action based solely on guidance that has not been promulgated as a regulation, unless such use of guidance is agreed to by the permittee or person subject to such regulatory action.

640.099. NONSEVERABILITY OF ACT. — Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 37.070, 67.4500, 67.4505, 67.4510, 67.4515, 67.4520, [192.105,] 247.060, 253.090, 442.014, 444.771, 444.773, 621.250, 640.018, 640.128, [640.850,] 643.020, 643.040, 643.050, 643.060, 643.079, 643.080, 643.130, 643.191, 643.225, 643.232, 643.237, 643.240, 643.242, 643.245, 643.250, 644.036, [644.051,] 644.054, 644.071, 644.145, 701.033, [701.058,] and this section shall be nonseverable, and if any provision is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of sections 37.070, 67.4500, 67.4505, 67.4510, 67.4515, 67.4520, [192.105,] 247.060, 253.090, 442.014, 444.771, 444.773, 621.250, 640.018, 640.128, [640.850,] 643.020, 643.040, 643.050, 643.060, 643.079, 643.080, 643.130, 643.191, 643.225, 643.232, 643.237, 643.240, 643.242, 643.245, 643.250, 644.036, [644.051,] 644.054, 644.071, 644.145, 701.033, [701.058,] and this section.

640.100. COMMISSION, DUTIES, PROMULGATE RULES — POLITICAL SUBDIVISIONS MAY SET CERTAIN ADDITIONAL STANDARDS — CERTAIN DEPARTMENTS TEST WATER SUPPLY, WHEN — FEES, AMOUNT — FEDERAL COMPLIANCE — CUSTOMER FEES, EFFECTIVE, WHEN — FEE REVIEW. — 1. The safe drinking water commission created in section 640.105 shall promulgate rules necessary for the implementation, administration and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the commission after at least thirty days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536 and an opportunity given to the public to be heard; the commission may solicit the views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the commission with respect to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, including but not limited to section 536.028, if applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9, 1998, is of no force and effect and repealed as of June 9, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to June 9, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this chapter or chapter 644 shall affect the validity of any rule adopted and promulgated prior to June 9, 1998.

3. The commission shall promulgate rules and regulations for the certification of public water system operators, backflow prevention assembly testers and laboratories conducting tests pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow prevention assembly tester shall satisfactorily complete standard, nationally recognized written and performance examinations designed to ensure that the person is competent to determine if the assembly is functioning within its design specifications. Any such state certification shall satisfy any need for local certification as a backflow prevention assembly tester. However, political subdivisions may set additional testing

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standards for individuals who are seeking to be certified as backflow prevention assembly testers. Notwithstanding any other provision of law to the contrary, agencies of the state or its political subdivisions shall only require carbonated beverage dispensers to conform to the backflow protection requirements established in the National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an independent testing laboratory. The commission shall promulgate rules and regulations for collection of samples and analysis of water furnished by municipalities, corporations, companies, state establishments, federal establishments or individuals to the public. The department of natural resources or the department of health and senior services shall, at the request of any supplier, make any analyses or tests required pursuant to the terms of section 192.320 and sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost of laboratory services, both within the department of natural resources and the department of health and senior services, laboratory certification and program administration as required by sections 640.100 to 640.140. The laboratory services and program administration fees pursuant to this subsection shall not exceed two hundred dollars for a supplier supplying less than four thousand one hundred service connections, three hundred dollars for supplying less than seven thousand six hundred service connections, five hundred dollars for supplying seven thousand six hundred or more service connections, and five hundred dollars for testing surface water. Such fees shall be deposited in the safe drinking water fund as specified in section 640.110. The analysis of all drinking water required by section 192.320 and sections 640.100 to 640.140 shall be made by the department of natural resources laboratories, department of health and senior services laboratories or laboratories certified by the department of natural resources.

4. The department of natural resources shall establish and maintain an inventory of public water supplies and conduct sanitary surveys of public water systems. Such records shall be available for public inspection during regular business hours.

5. (1) For the purpose of complying with federal requirements for maintaining the primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby directed to request appropriations from the general revenue fund and all other appropriate sources to fund the activities of the public drinking water program and in addition to the fees authorized pursuant to subsection 3 of this section, an annual fee for each customer service connection with a public water system is hereby authorized to be imposed upon all customers of public water systems in this state. Each customer of a public water system shall pay an annual fee for each customer service connection.

(2) The annual fee per customer service connection for unmetered customers and customers with meters not greater than one inch in size shall be based upon the number of service connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections	\$ 3.24
1,001 to 4,000 connections	3.00
4,001 to 7,000 connections	2.76
7,001 to 10,000 connections	2.40
10,001 to 20,000 connections	2.16
20,001 to 35,000 connections	1.92
35,001 to 50,000 connections	1.56
50,001 to 100,000 connections	1.32
More than 100,000 connections	1.08

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(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed seven dollars and forty-four cents; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed forty-one dollars and sixteen cents; and for customers with meters greater than four inches in size shall not exceed eighty-two dollars and forty-four cents.

(4) Customers served by multiple connections shall pay an annual user fee based on the above rates for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars per year.

6. Fees imposed pursuant to subsection 5 of this section shall become effective on August 28, 2006, and shall be collected by the public water system serving the customer beginning September 1, 2006, and continuing until such time that the safe drinking water commission, at its discretion, specifies a different amount under subsection 8 of this section. The commission shall promulgate rules and regulations on the procedures for billing, collection and delinquent payment. Fees collected by a public water system pursuant to subsection 5 of this section and fees established by the commission pursuant to subsection 8 of this section are state fees. The annual fee shall be enumerated separately from all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to the director of the department of revenue at frequencies not less than quarterly. Two percent of the revenue arising from the fees shall be retained by the public water system for the purpose of reimbursing its expenses for billing and collection of such fees.

7. Imposition and collection of the fees authorized in subsection 5 and fees established by the commission pursuant to subsection 8 of this section shall be suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the federally delegated authority granted to the safe drinking water program within the department of natural resources to administer the Safe Drinking Water Act, 42 U.S.C. Section 300g-2, is withdrawn. The fee shall not be reinstated until the first day of the calendar quarter following the quarter during which such delegated authority is reinstated.

8. Notwithstanding any statutory fee amounts or maximums to the contrary, the department of natural resources may conduct a comprehensive review and propose changes to the fee structure set forth in this section. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from public and private water suppliers, and any other interested parties. Upon completion of the comprehensive review, the department shall submit a proposed fee structure with stakeholder agreement to the safe drinking water commission. The commission shall review such recommendations at a forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority or six of nine commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments may authorize the department to file the final order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year, at which point the existing fee structure shall expire. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly within the first sixty calendar days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, [2024] 2030. If the commission's authority to revise the fee structure as provided by this subsection expires, the fee structure in place at the time of expiration shall remain in place.

643.079. FEES, AMOUNT — DEPOSIT OF MONEYS, WHERE, SUBACCOUNT TO BE MAINTAINED — CIVIL ACTION FOR FAILURE TO REMIT FEES, EFFECT UPON PERMIT — AGENCIES, DETERMINATION OF FEES — FEE STRUCTURE REVISION. — 1. Any air contaminant source required to obtain a permit issued under sections 643.010 to 643.355 shall pay annually beginning April 1, 1993, a fee as provided herein. For the first year the fee shall be twenty-five dollars per ton of each regulated air contaminant emitted. Thereafter, the fee shall be set every three years by the commission by rule and shall be at least twenty-five dollars per ton of regulated air contaminant emitted but not more than forty dollars per ton of regulated air contaminant emitted in the previous calendar year. If necessary, the commission may make annual adjustments to the fee by rule. The fee shall be set at an amount consistent with the need to fund the reasonable cost of administering sections 643.010 to 643.355, taking into account other moneys received pursuant to sections 643.010 to 643.355. For the purpose of determining the amount of air contaminant emissions on which the fees authorized under this section are assessed, a facility shall be considered one source as described in subsection 2 of section 643.078, except that a facility with multiple operating permits shall pay the emission fees authorized under this section separately for air contaminants emitted under each individual permit.

2. A source which produces charcoal from wood shall pay an annual emission fee under this subsection in lieu of the fee established in subsection 1 of this section. The fee shall be based upon a maximum fee of twenty-five dollars per ton and applied upon each ton of regulated air contaminant emitted for the first four thousand tons of each contaminant emitted in the amount established by the commission pursuant to subsection 1 of this section, reduced according to the following schedule:

(1) For fees payable under this subsection in the years 1993 and 1994, the fee shall be reduced by one hundred percent;

(2) For fees payable under this subsection in the years 1995, 1996 and 1997, the fee shall be reduced by eighty percent;

(3) For fees payable under this subsection in the years 1998, 1999 and 2000, the fee shall be reduced by sixty percent.

3. The fees imposed in subsection 2 of this section shall not be imposed or collected after the year 2000 unless the general assembly reimposes the fee.

4. Each air contaminant source with a permit issued under sections 643.010 to 643.355 shall pay the fee for the first four thousand tons of each regulated air contaminant emitted each year but no air contaminant source shall pay fees on total emissions of regulated air contaminants in excess of twelve thousand tons in any calendar year. A permitted air contaminant source which emitted less than one ton of all regulated pollutants shall pay a fee equal to the amount per ton set by the commission. An air contaminant source which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140 may deduct such fees from any amount due under this section. The fees imposed in this section shall not be applied to carbon oxide emissions. The fees imposed in subsection 1 of this section and this subsection shall not be applied to sulfur dioxide emissions from any Phase I affected unit subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. Section 7651 et seq., any sooner than January 1, 2000. The fees imposed on emissions from Phase I affected units shall be consistent with and shall not exceed the provisions of the federal Clean Air Act, as amended, and the regulations promulgated thereunder. Any such fee on emissions from any Phase I affected unit shall be reduced by the amount of the service fee paid by that Phase I affected unit pursuant to subsection 8 of this section in that year. Any fees that may be imposed on Phase I sources shall follow the procedures set forth in subsection 1 of this section and this subsection and shall not be applied retroactively.

5. Moneys collected under this section shall be transmitted to the director of revenue for deposit in appropriate subaccounts of the natural resources protection fund created in section 640.220. A subaccount shall be maintained for fees paid by air contaminant sources which are required to be permitted under Title V of the federal Clean Air Act, as amended, 42 U.S.C. Section 7661 et seq., and

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used, upon appropriation, to fund activities by the department to implement the operating permits program authorized by Title V of the federal Clean Air Act, as amended. Another subaccount shall be maintained for fees paid by air contaminant sources which are not required to be permitted under Title V of the federal Clean Air Act as amended, and used, upon appropriation, to fund other air pollution control program activities. Another subaccount shall be maintained for service fees paid under subsection 8 of this section by Phase I affected units which are subject to the requirements of Title IV, Section 404, of the federal Clean Air Act Amendments of 1990 (42 U.S.C. Section 7651c), as amended, and used, upon appropriation, to fund air pollution control program activities. The provisions of section 33.080 to the contrary notwithstanding, moneys in the fund shall not revert to general revenue at the end of each biennium. Interest earned by moneys in the subaccounts shall be retained in the subaccounts. The per-ton fees established under subsection 1 of this section may be adjusted annually, consistent with the need to fund the reasonable costs of the program, but shall not be less than twenty-five dollars per ton of regulated air contaminant nor more than forty dollars per ton of regulated air contaminant. The first adjustment shall apply to moneys payable on April 1, 1994, and shall be based upon the general price level for the twelve-month period ending on August thirty-first of the previous calendar year.

6. The department may initiate a civil action in circuit court against any air contaminant source which has not remitted the appropriate fees within thirty days. In any judgment against the source, the department shall be awarded interest at a rate determined pursuant to section 408.030 and reasonable attorney's fees. In any judgment against the department, the source shall be awarded reasonable attorney's fees.

7. The department shall not suspend or revoke a permit for an air contaminant source solely because the source has not submitted the fees pursuant to this section.

8. Any Phase I affected unit which is subject to the requirements of Title IV, Section 404, of the federal Clean Air Act Amendments of 1990 (42 U.S.C. Section 7651c), as amended, shall pay annually beginning April 1, 1993, and terminating December 31, 1999, a service fee for the previous calendar year as provided herein. For the first year, the service fee shall be twenty-five thousand dollars for each Phase I affected generating unit to help fund the administration of sections 643.010 to 643.355. Thereafter, the service fee shall be annually set by the commission by rule, following public hearing, based on an annual allocation prepared by the department showing the details of all costs and expenses upon which such fees are based consistent with the department's reasonable needs to administer and implement sections 643.010 to 643.355 and to fulfill its responsibilities with respect to Phase I affected units, but such service fee shall not exceed twenty-five thousand dollars per generating unit. Any such Phase I affected unit which is located on one or more contiguous tracts of land with any Phase II generating unit that pays fees under subsection 1 or subsection 2 of this section shall be exempt from paying service fees under this subsection. A "contiguous tract of land" shall be defined to mean adjacent land, excluding public roads, highways and railroads, which is under the control of or owned by the permit holder and operated as a single enterprise.

9. The department of natural resources shall determine the fees due pursuant to this section by the state of Missouri and its departments, agencies and institutions, including two- and four-year institutions of higher education. The director of the department of natural resources shall forward the various totals due to the joint committee on capital improvements and the directors of the individual departments, agencies and institutions. The departments, as part of the budget process, shall annually request by specific line item appropriation funds to pay said fees and capital funding for projects determined to significantly improve air quality. If the general assembly fails to appropriate funds for emissions fees as specifically requested, the departments, agencies and institutions shall pay said fees from other sources of revenue or funds available. The state of Missouri and its departments, agencies and institutions may receive assistance from the small business technical assistance program established pursuant to section 643.173.

10. Each retail agricultural facility that uses, stores, or sells anhydrous ammonia that is an air contaminant source subject to the risk management plan under 42 U.S.C. Section 7412(r), as amended, shall pay an annual registration fee of two hundred dollars. In addition, each retail agricultural facility that uses, stores, or sells anhydrous ammonia shall pay an annual tonnage fee calculated on the number of tons of anhydrous ammonia sold. The initial retail tonnage fee shall be set at one dollar and twenty-five cents per ton of anhydrous ammonia used or sold. Each distributor or terminal agricultural facility that uses, stores, or sells anhydrous ammonia that is an air contaminant source subject to the risk management plan program 3 under 40 CFR Part 68 shall pay an annual registration fee of five thousand dollars and shall not pay a tonnage fee. The annual registration fees and tonnage fee may be periodically revised under subsection 11 of this section. However, the fees collected shall be used exclusively for the purposes of administering the provisions of 42 U.S.C. Section 7412(r), as amended, for such agricultural facilities. Fees paid by agricultural air contaminant sources that use, store, or sell anhydrous ammonia for the purposes of implementing the requirements of 42 U.S.C. Section 7412(r), as amended, shall be deposited into the anhydrous ammonia risk management plan subaccount within the natural resources protection fund created in section 643.245. If the funding exceeds the reasonable costs to administer the programs as set forth in this section, the department of natural resources shall reduce fees for all registrants if the fees derived exceed the reasonable cost of administering the risk management plan under 42 U.S.C. Section 7412(r), as amended.

11. Notwithstanding any statutory fee amounts or maximums to the contrary, the department of natural resources may conduct a comprehensive review and propose changes to the fee structure authorized by sections 643.073, 643.075, 643.079, 643.225, 643.228, 643.232, 643.237, and 643.242 after holding stakeholder meetings in order to solicit stakeholder input from each of the following groups: the asbestos industry, electric utilities, mineral and metallic mining and processing facilities, cement kiln representatives, and any other interested industrial or business entities or interested parties. The department shall submit a proposed fee structure with stakeholder agreement to the air conservation commission. The commission shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments, may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year and the previous fee structure shall expire upon the effective date of the commission-adopted fee structure. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation, by concurrent resolution disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the commission shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure as provided by this subsection shall expire on August 28, [2024] 2030. If the commission's authority to revise the fee structure as provided by this subsection expires, the fee structure in place at the time of expiration shall remain in place.

644.051. PROHIBITED ACTS — PERMITS REQUIRED, WHEN, FEE — PERMIT APPLICATION PROCEDURES — RULEMAKING — LIMITATION ON USE OF PERMIT FEE MONEYS — PERMIT SHIELD PROVISIONS. — 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds an operating permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no operating permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. It shall be unlawful for any person to construct, build, replace or make major modification to any point source or collection system that is principally designed to convey or discharge human sewage to waters of the state, unless such person obtains a construction permit from the commission, except as provided in this section. The following activities shall be excluded from construction permit requirements:

(1) Facilities greater than one million gallons per day that are authorized through a local supervised program, and are not receiving any department financial assistance;

(2) All sewer extensions or collection projects that are one thousand feet in length or less with fewer than two lift stations;

(3) All sewer collection projects that are authorized through a local supervised program; and

(4) Any other exclusions the commission may promulgate by rule.

4. A construction permit may be required by the department in the following circumstances:

[a.] (1) Substantial deviation from the commission's design standards;

[b.] (2) To address noncompliance;

[c.] (3) When an unauthorized discharge has occurred or has the potential to occur; or

[d.] (4) To correct a violation of water quality standards.

[In addition,] 5. Any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater also shall be subject to the construction permit provisions of [this subsection] subsections 3 to 5 of this section. However, any earthen basin constructed to retain and settle nontoxic, nonmetallic earthen materials such as soil, silt, and rock shall be exempt from the construction permit provisions of subsections 3 to 5 of this section. All other construction-related activities at point sources not subject to subsections 3 to 5 of this section shall be exempt from the construction permit requirements. All activities that are exempted from the construction permit requirement are subject to the following conditions:

[a.] (1) Any point source system designed to hold, convey, contain, store or treat domestic, agricultural or industrial process wastewater shall be designed by a professional engineer registered in Missouri in accordance with the commission's design rules;

[b.] (2) Such point source system shall be constructed in accordance with the registered professional engineer's design and plans; and

[c.] (3) Such point source system may receive a post-construction site inspection by the department prior to receiving operating permit approval. A site inspection may be performed by the department, upon receipt of a complete operating permit application or submission of an engineer's statement of work complete.

6. A governmental unit may apply to the department for authorization to operate a local supervised program, and the department may authorize such a program. A local supervised program would recognize the governmental unit's engineering capacity and ability to conduct engineering work, supervise construction and maintain compliance with relevant operating permit requirements.

[4.] 7. Before issuing any permit required by this section, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule.

[5.] 8. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

[6.] 9. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons for such denial. As provided by sections 621.250 and 640.013, the applicant may appeal to the administrative hearing commission from the denial of a permit or from any condition in any permit by filing a petition with the administrative hearing commission within thirty days of the notice of denial or issuance of the permit. After a final action is taken on a new or reissued general permit, a potential applicant for the general permit who can demonstrate that he or she is or may be adversely affected by any permit term or condition may appeal the terms and conditions of the general permit within thirty days of the department's issuance of the general permit. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto. Once the administrative hearing commission has reviewed the appeal, the administrative hearing commission shall issue a recommended decision to the commission on permit issuance, denial, or any condition of the permit. The commission shall issue its own decision, based on the appeal, for permit issuance, denial, or any condition of the permit. If the commission changes a finding of fact or conclusion of law made by the administrative hearing commission, or modifies or vacates the decision recommended by the administrative hearing commission, it shall issue its own decision, which shall include findings of fact and conclusions of law. The commission shall mail copies of its final decision to the parties to the appeal or their counsel of record. The commission's decision shall be subject to judicial review pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction coextensive with the county where the point source is to be located shall have original jurisdiction. No judicial review shall be available until and unless all administrative remedies are exhausted.

[7.] 10. In any hearing held pursuant to this section that involves a permit, license, or registration, the burden of proof is on the party specified in section 640.012. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

[8.] 11. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

[9.] 12. Permits may be modified, reissued, or terminated at the request of the permittee. All requests shall be in writing and shall contain facts or reasons supporting the request.

[10.] 13. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of a site-specific operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit. Applications seeking to renew coverage under a general permit shall be submitted at least thirty days prior to the expiration of the general permit, unless the permittee has been notified by the director that an earlier application must be made. General permits may be applied for and issued electronically once made available by the director.

[11.] 14. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

[12.] 15. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities or facilities that utilize innovative technology for wastewater treatment in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. For the purposes of this section, "innovative technology for wastewater treatment" shall mean a completely new and generally unproven technology in the type or method of its application that bench testing or theory suggest has environmental, efficiency, and cost benefits beyond the standard technologies. No bond shall be required for designs approved by any federal agency or environmental regulatory agency of another state. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

[13.] 16. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the permits within sixty days of the department's receipt of an application. For an application seeking coverage under a renewed general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application

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seeking coverage under an initial general permit that does not require an individual public participation process, the director shall issue or deny the permit within sixty days of the department's receipt of the application. For an application seeking coverage under a renewed general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application, or upon issuance of the general permit, whichever is later. In regard to an application for an initial general permit that requires an individual public participation process, the director shall issue or deny the permit within ninety days of the director's receipt of the application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

[14.] 17. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

[15.] 18. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

[16.] 19. The department shall implement permit shield provisions equivalent to the permit shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, Section 402(k), 33 U.S.C. Section 1342(k), and its implementing regulations, for permits issued pursuant to chapter 644.

[17.] 20. Prior to the development of a new general permit or reissuance of a general permit for aquaculture, land disturbance requiring a storm water permit, or reissuance of a general permit under

which fifty or more permits were issued under a general permit during the immediately preceding five-year period for a designated category of water contaminant sources, the director shall implement a public participation process complying with the following minimum requirements:

(1) For a new general permit or reissuance of a general permit, a general permit template shall be developed for which comments shall be sought from permittees and other interested persons prior to issuance of the general permit;

(2) The director shall publish notice of his intent to issue a new general permit or reissue a general permit by posting notice on the department's website at least one hundred eighty days before the proposed effective date of the general permit;

(3) The director shall hold a public informational meeting to provide information on anticipated permit conditions and requirements and to receive informal comments from permittees and other interested persons. The director shall include notice of the public informational meeting with the notice of intent to issue a new general permit or reissue a general permit under subdivision (2) of this subsection. The notice of the public informational meeting, including the date, time and location, shall be posted on the department's website at least thirty days in advance of the public meeting. If the meeting is being held for reissuance of a general permit, notice shall also be made by electronic mail to all permittees holding the current general permit which is expiring. Notice to current permittees shall be made at least twenty days prior to the public meeting;

(4) The director shall hold a thirty-day public comment period to receive comments on the general permit template with the thirty-day comment period expiring at least sixty days prior to the effective date of the general permit. Scanned copies of the comments received during the public comment period shall be posted on the department's website within five business days after close of the public comment period;

(5) A revised draft of a general permit template and the director's response to comments submitted during the public comment period shall be posted on the department's website at least forty-five days prior to issuance of the general permit. At least forty-five days prior to issuance of the general permit the department shall notify all persons who submitted comments to the department that these documents have been posted to the department's website;

(6) Upon issuance of a new or renewed general permit, the general permit shall be posted to the department's website.

[18.] 21. Notices required to be made by the department pursuant to subsection [17] 20 of this section may be made by electronic mail. The department shall not be required to make notice to any permittee or other person who has not provided a current electronic mail address to the department. In the event the department chooses to make material modifications to the general permit before its expiration, the department shall follow the public participation process described in subsection [17] 20 of this section.

[19. The provisions of subsection 17 of this section shall become effective beginning January 1, 2013.]

644.057. CLEAN WATER FEE STRUCTURE REVIEW, REQUIREMENTS. — Notwithstanding any statutory fee amounts or maximums to the contrary, the director of the department of natural resources may conduct a comprehensive review and propose changes to the clean water fee structure set forth in sections 644.052, 644.053, and 644.061. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: agriculture, industry, municipalities, public and private wastewater facilities, and the development community. Upon completion of the comprehensive review, the department shall submit a proposed fee structure with stakeholder agreement to the clean water commission. The commission shall review such recommendations at the forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent meeting. In no case shall the clean water commission adopt or recommend any clean

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Matter underscored is proposed language.

water fee in excess of five thousand dollars. If the commission approves, by vote of two-thirds majority or five of seven commissioners, the fee structure recommendations, the commission shall authorize the department to file a notice of proposed rulemaking containing the recommended fee structure, and after considering public comments, may authorize the department to file the order of rulemaking for such rule with the joint committee on administrative rules pursuant to sections 536.021 and 536.024 no later than December first of the same year. If such rules are not disapproved by the general assembly in the manner set out below, they shall take effect on January first of the following calendar year and the fee structures set forth in sections 644.052, 644.053, and 644.061 shall expire upon the effective date of the commission-adopted fee structure, contrary to section 644.054. Any regulation promulgated under this subsection shall be deemed to be beyond the scope and authority provided in this subsection, or detrimental to permit applicants, if the general assembly, within the first sixty calendar days of the regular session immediately following the filing of such regulation disapproves the regulation by concurrent resolution. If the general assembly so disapproves any regulation filed under this subsection, the department and the commission shall not implement the proposed fee structure and shall continue to use the previous fee structure. The authority of the commission to further revise the fee structure provided by this section shall expire on August 28, [2024. Any fee, bond, or assessment structure established pursuant to the process in this section shall expire on August 28, 2024] 2030. If the commission's authority to revise the fee structure as provided by this section expires, the fee structure in place at the time of expiration shall remain in place.

Approved July 6, 2023

CCS HCS SS SB 111

Enacts provisions relating to the administration of state employees.

AN ACT to repeal sections 33.100, 36.020, 36.030, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.120, 36.140, 36.250, 36.440, 36.510, 37.010, 105.950, 105.1114, and 288.220, RSMo, and to enact in lieu thereof seventeen new sections relating to the administration of state employees.

SECTION

- A Enacting clause.
- 33.100 Salaries to be paid, how and when.
- 36.020 Definitions.
- 36.030 Eleemosynary and penal institution personnel, administration of merit system — exemptions — employee suggestions, awards authorized — report, when.
- 36.060 Duties of director — rules generally, promulgation, procedure.
- 36.070 Rules and regulations, authorized, procedure.
- 36.080 Director — appointment — salary — removal.
- 36.090 Duties of personnel director.
- 36.100 Director to prepare position classification plans.
- 36.120 Changes in or reallocation of positions.
- 36.140 Director to prepare pay plan.
- 36.250 Probationary periods.
- 36.440 Compliance with law — penalty for failure to comply.
- 36.510 Director's duties for all state agencies — strikes by merit system employees.
- 37.010 Commissioner of administration, compensation, oath of office, duties — vacancy, governor to serve.
- 105.950 Compensation of certain department heads.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 105.1114 Administrative rules to be provided by personnel director, procedure.
 288.220 Administration of law — director — state unemployment insurance operation
 — rules and regulations.
 36.050 Advisory board, members, appointment, terms, removal, compensation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 33.100, 36.020, 36.030, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.120, 36.140, 36.250, 36.440, 36.510, 37.010, 105.950, 105.1114, and 288.220, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 33.100, 36.020, 36.030, 36.060, 36.070, 36.080, 36.090, 36.100, 36.120, 36.140, 36.250, 36.440, 36.510, 37.010, 105.950, 105.1114, and 288.220, to read as follows:

33.100. SALARIES TO BE PAID, HOW AND WHEN. — The salaries of all elective and appointive officers and employees of the state shall be paid out of the state treasury, in biweekly, semimonthly or monthly installments as designated by the commissioner of administration. The accounts and names of the officers and employees shall be presented to the commissioner of administration and a warrant therefor upon the state treasury shall be issued to be paid out of the appropriation made for such purpose. The accounts of the officers and employees shall be stated in their names, respectively, and the correctness thereof shall be certified to by the officers, respectively, in whose employment they are.

36.020. DEFINITIONS. — Unless the context clearly requires otherwise, the following terms mean:

(1) "Agency", "state agency" or "agency of the state", each department, board, commission or office of the state except for offices of the elected officials, the general assembly, the judiciary and academic institutions;

(2) "Appointing authority", an officer or agency subject to this chapter having power to make appointments;

(3) **["Board", the personnel advisory board as established by section 36.050;**

(4) **"Broad classification band", a grouping of positions with similar levels of responsibility or expertise;**

[(5)] (4) "Class", "class of positions", or "job class", a group of positions subject to this chapter sufficiently alike in duties, authority and responsibilities to justify the same qualifications and the same schedule of pay to all positions in the group;

[(6)] (5) "Director", the director of the division of personnel of the office of administration;

[(7)] (6) "Disabled veteran", a veteran who has served on active duty in the Armed Forces at any time who receives compensation as a result of a service-connected disability claim allowed by the federal agency responsible for the administration of veteran's affairs, or who receives disability retirement or disability pension benefits from a federal agency as a result of such a disability or a National Guard veteran who was permanently disabled as a result of active service to the state at the call of the governor;

[(8)] (7) "Division of service" or "division", a state department or any division or branch of the state, or any agency of the state government, all the positions and employees in which are under the same appointing authority;

[(9)] (8) "Eleemosynary or penal institutions", an institution within state government holding, housing, or caring for inmates, patients, veterans, juveniles, or other individuals entrusted to or assigned to the state where it is anticipated that such individuals will be in residence for longer than one day. Eleemosynary or penal institutions shall not include elementary, secondary, or higher education institutions operated separately or independently from the foregoing institutions;

~~[(10)]~~ (9) "Eligible", a person whose name is on a register or who has been determined to meet the qualifications for a class or position;

~~[(11)]~~ (10) "Employee", shall include only those persons employed in excess of thirty-two hours per calendar week, for a duration that could exceed six months, by a state agency and shall not include patients, inmates, or residents in state eleemosynary or penal institutions who work for the state agency operating an eleemosynary or penal institutions;

~~[(12)]~~ (11) "Examination" or "competitive examination", a means of determining eligibility or fitness for a class or position;

~~[(13)]~~ (12) "Open competitive examination", a selection process for positions in a particular class, admission to which is not limited to persons employed in positions subject to this chapter pursuant to subsection 1 of section 36.030;

~~[(14)]~~ (13) "Promotional examination", a selection process for positions in a particular class, admission to which is limited to employees with regular status in positions subject to this chapter pursuant to subsection 1 of section 36.030;

~~[(15)]~~ (14) "Register of eligibles", a list, which may be restricted by locality, of persons who have been found qualified for appointment to a position subject to this chapter pursuant to subsection 1 of section 36.030;

~~[(16)]~~ (15) "Regular employee", a person employed in a position described under subdivision (2) of subsection 1 of section 36.030 who has successfully completed a probationary period as provided in section 36.250;

~~[(17)]~~ (16) "State equal employment opportunity officer", the individual designated by the governor or the commissioner of administration as having responsibility for monitoring the compliance of the state as an employer with applicable equal employment opportunity law and regulation and for leadership in efforts to establish a state workforce which reflects the diversity of Missouri citizens at all levels of employment;

~~[(18)]~~ (17) "Surviving spouse", the unmarried surviving spouse of a deceased disabled veteran or the unmarried surviving spouse of any person who was killed while on active duty in the Armed Forces of the United States or an unmarried surviving spouse of a National Guard veteran who was killed as a result of active service to the state at the call of the governor;

~~[(19)]~~ (18) "Veteran", any person who is a citizen of this state who has been separated under honorable conditions from the Armed Forces of the United States who served on active duty during peacetime or wartime for at least six consecutive months, unless released early as a result of a service-connected disability or a reduction in force at the convenience of the government, or any member of a reserve or National Guard component who has satisfactorily completed at least six years of service or who was called or ordered to active duty by the President and participated in any campaign or expedition for which a campaign badge or service medal has been authorized.

36.030. ELEEMOSYNARY AND PENAL INSTITUTION PERSONNEL, ADMINISTRATION OF MERIT SYSTEM — EXEMPTIONS — EMPLOYEE SUGGESTIONS, AWARDS AUTHORIZED — REPORT, WHEN. — 1. (1) Employees in eleemosynary or penal institutions shall be selected on the basis of merit.

(2) So much of any agency that is required to maintain personnel standards on a merit basis by federal law or regulations for grant-in-aid programs shall, except for those positions specified in subsection 2 of this section, select employees on the basis of merit and maintain such standards as specified in this chapter and as otherwise required.

2. State agencies operating eleemosynary or penal institutions shall not domicile the following positions in such institutions and such positions shall not be selected in accordance with subsection 1 of this section:

(1) Other provisions of the law notwithstanding, members of boards and commissions, departmental directors, five principal assistants designated by the departmental directors, division directors, and three principal assistants designated by each division director;

(2) One principal assistant for each board or commission, the members of which are appointed by the governor or by a director of the department;

(3) Chaplains and attorneys;

(4) Persons employed in work assignments with a geographic location principally outside the state of Missouri and other persons whose employment is such that selection by competitive examination and standard classification and compensation practices are not practical under all the circumstances as determined by the [board] director by rule;

(5) Patients, inmates, or residents in state penal institutions who work for the agency operating the eleemosynary or penal institution;

(6) Persons employed in an internship capacity in a state department or institution as a part of their formal training, at a college, university, business, trade or other technical school; except that, by appropriate resolution of the governing authorities of any department or institution, the personnel division may be called upon to assist in selecting persons to be appointed to internship positions;

(7) The administrative head of each state medical, penal and correctional institution, as warranted by the size and complexity of the organization and as approved by the [board] director;

(8) Deputies or other policy-making assistants to the exempt head of each division of service, as warranted by the size or complexity of the organization and in accordance with the rules promulgated by the [personnel advisory board] director;

(9) Special assistants as designated by an appointing authority; except that, the number of such special assistants shall not exceed two percent of a department's total authorized full-time equivalent workforce.

3. To encourage all state employees to improve the quality of state services, increase the efficiency of state work operations, and reduce the costs of state programs, the director [of the division of personnel] shall establish employee recognition programs, including a statewide employee suggestion system. The director shall determine reasonable rules and shall provide reasonable standards for determining the monetary awards, not to exceed five thousand dollars, under the employee suggestion system.

4. At the request of the senate or the house of representatives, the commissioner of administration shall submit a report on the employee suggestion award program described in subsection 3 of this section.

36.060. DUTIES OF DIRECTOR — RULES GENERALLY, PROMULGATION, PROCEDURE. — 1. In addition to the duties imposed [upon it] elsewhere in this chapter, it shall be the duty of the [board] director:

(1) To make any investigation which [it] he or she may consider desirable concerning the administration of personnel subject to this chapter pursuant to subsection 1 of section 36.030 and all personnel of any department or agency of the executive branch of state government not exempted from section 36.031;

(2) To hold regular meetings with appointing authorities to propose methods of resolving general personnel problems;

(3) [To make annual reports, and such special reports as it considers desirable, to the governor and the general assembly regarding personnel administration in the state service and recommendations there. These special reports may evaluate the effectiveness of the personnel division and the appointing authorities in their operations under this chapter;

(4)] To make such suggestions and recommendations to the governor and the [director] commissioner of administration relating to the state's employment policies as will promote morale, efficiency and uniformity in compensation of the various employees in the state service;

[(5)] (4) To promulgate rules and regulations on behalf of the commissioner of administration to ensure that no applicant or employee is discriminated against on the basis of race, creed, color, religion, national origin, sex, ancestry or handicap.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

36.070. RULES AND REGULATIONS, AUTHORIZED, PROCEDURE. — 1. The [board] commissioner of administration shall have power to prescribe such rules and regulations not inconsistent with the provisions of this chapter as [it] he or she deems suitable and necessary to carry out the provisions of this chapter. Such rules and regulations shall be effective when filed with the secretary of state as provided by law.

2. The [board] commissioner of administration shall prescribe by rule the procedures for merit selection, uniform classification and pay, and covered appeals in accordance with the provisions of this chapter.

3. As of August 28, 2023, the rules of the personnel advisory board previously established by this chapter shall become rules of the commissioner of administration.

36.080. DIRECTOR — APPOINTMENT — SALARY — REMOVAL. — 1. The director shall be a person, appointed by the commissioner of administration, who is experienced in the principles and methods of personnel administration, who is familiar with and in sympathy with the application of merit principles [and] or other efficient methods of public administration. The director shall be appointed for a term of four years beginning on July first following the election of a governor, which term may be renewed at its expiration at the option of the governor.

2. The personnel director shall not during his or her term of office, or for one year prior thereto:

- (1) Be a member of any local, state or national committee of a political party;
- (2) Be a member of any partisan political club or organization;
- (3) Actively participate in any partisan political campaign; or
- (4) Hold or be a candidate for any partisan public office.

3. [Upon an impending or actual vacancy in the position of director, the board shall publicly solicit applications for the position and prepare and submit to the governor a list of the five most qualified applicants. In the course of preparing such a list the board may engage the services of persons experienced in personnel administration as consultants to assist it in examining and determining the best qualified available persons for appointment as director. The board shall be authorized to pay, out of the funds appropriated to it, the necessary travel and other expenses of any consultants engaged under the provisions of this section, and may also defray the travel expenses of candidates for the position who are requested to report for an interview. The director may also assist the board with the search process and division of personnel resources may be used to advance the search process.]

4. The provisions of subdivision (2) of subsection 5 of section 1 of the Reorganization Act of 1974 notwithstanding, the total compensation of any director shall not exceed the statutory salary of department heads.

5. The provisions of subsection 8 of section 15 of the Reorganization Act of 1974 notwithstanding, the governor shall appoint to the position of director, without regard to his or her political affiliation and subject to the advice and consent of the senate, one of the persons named on the list submitted by the board.

6.] The director may be removed by the [board] commissioner of administration for no reason or for any reason not prohibited by law.

36.090. DUTIES OF PERSONNEL DIRECTOR. — 1. The director, as executive head of the personnel division, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon the director elsewhere in this chapter, the director may develop in cooperation with appointing authorities a management training program, a recruiting program, and a system of performance appraisals, and [to] may assist appointing authorities in the setting of productivity goals.

2. [The director shall assist the board in the performance of its functions and attend board meetings.

3.] The director may:

(1) Establish and maintain a roster of all officers and employees subject to this chapter pursuant to subsection 1 of section 36.030 or pursuant to section 36.031, in which there shall be set forth, as to each employee, a record of the class title of the position held; the salary or pay; any change in class title, pay or status, and such other data as may be deemed desirable to produce significant facts pertaining to personnel administration;

(2) Appoint and fix the compensation of such experts and special assistants as may be necessary to carry out effectively the provisions of this chapter;

(3) Investigate the effects of this chapter and the rules promulgated under this chapter and report his or her findings and recommendations to the [board] commissioner of administration and the governor;

(4) Make annual reports concerning the work of the division, problems in personnel management, and actions taken or to be taken by the division to resolve those problems;

(5) Perform any other lawful act which he or she may consider necessary or desirable to carry out the purposes and provisions of this chapter.

[4.] 3. The director shall appoint a deputy or deputies. In case of the absence of the director or his or her inability from any cause to discharge the powers and duties of his or her office, such powers and duties shall devolve upon his or her deputy or deputies.

36.100. DIRECTOR TO PREPARE POSITION CLASSIFICATION PLANS. — 1. The director shall ascertain the duties, authority and responsibilities of all positions subject to this chapter pursuant to subsection 1 of section 36.030, and all positions subject to this section pursuant to section 36.031. After consultation with the appointing authorities, the director shall prepare [and recommend to the board], and maintain on a continuing basis, a position classification plan, which shall group all positions subject to this chapter pursuant to subsection 1 of section 36.030, and all positions subject to this section pursuant to section 36.031 in classes, based on their duties, authority and responsibilities. Except as provided in subsection 2 of this section, the position classification plan shall set forth, for each class of positions, a class title and a statement of the duties, authority and responsibilities thereof, and the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class; provided, that no plan shall be adopted which prohibits the substitution of experience for education for each class of positions, except that, the [board] director may determine that there is no equivalent substitution in particular cases. Classifications should be sufficiently broad in scope to include as many comparable positions as possible both on an intra- and inter-departmental basis.

2. The classification plan may group positions with similar levels of responsibility or expertise into broad classification bands.

3. The director shall, in consultation with the agencies, eliminate and combine classes when possible, taking into consideration the recruitment, selection, and compensation of personnel in the various classes.

36.120. CHANGES IN OR REALLOCATION OF POSITIONS. — 1. Before establishing a new position in divisions of the service subject to this chapter pursuant to subsection 1 of section 36.030 or any new position in a department or agency of the executive branch of state government subject to this

section pursuant to section 36.031, or before making any permanent and substantial change of the duties, authority or responsibilities of any such position, an appointing authority shall notify the director in writing of the appointing authority's intention to do so, except where the positions may be allocated by the appointing authority.

2. The director may at any time allocate any new position to a class, or change the allocation of any position to a class, or [recommend to the board] make changes in the classification plan. [Any change in the classification plan recommended by the director shall take effect when approved by the board, or on the ninetieth day after it is recommended to the board if prior thereto the board has not approved it. In case of necessity requiring the immediate establishment of a new class, the director may establish such a class on an interim basis pending approval of the class by the board as recommended by the director.]

3. When the allocation of a position to a class is changed, the director shall notify the appointing authority. If allocation authority is delegated, the appointing authority shall notify the director of any changes in the allocation. If the position is filled at the time of reallocation to a class, the appointing authority shall immediately notify the incumbent of the position regarding the allocation change. If the incumbent does not agree with the new allocation, the incumbent may submit to the director a request for a review of the allocation of the position.

4. If any change is made in the classification plan by which a class of positions is divided, altered, or abolished, or classes are combined, the director shall forthwith reallocate the positions affected to their appropriate classes in the amended classification plan. An employee who is occupying a position reallocated to a different class shall, subject to the regulations, be given the same status in the new class as previously held in the class from which his or her position is reallocated.

5. [After a class of positions has been approved by the board,] The director is authorized to make such changes in the class title or in the statement of duties and qualifications for [the] a new class as the director finds necessary for current maintenance of the classification plan; provided, however, that changes which materially affect the nature and level of a class or which involve a change in salary range for the class shall be approved by the board].

36.140. DIRECTOR TO PREPARE PAY PLAN.— 1. After consultation with appointing authorities and the state fiscal officers, and after a public hearing following suitable notice, the director shall prepare [and recommend to the board] a pay plan for each class of positions subject to this chapter pursuant to subsection 1 of section 36.030 and each class of positions subject to this section pursuant to section 36.031. The pay plan shall include, for each class of positions, a minimum and a maximum rate, and such provision for intermediate rates as the director considers necessary or equitable. The pay plan may also provide for the use of open, or stepless, pay ranges. The pay plan may include provision for grouping of positions with similar levels of responsibility or expertise into broad classification bands for purposes of determining compensation and for such salary differentials and other pay structures as the director considers necessary or equitable. In establishing the rates, the director shall give consideration to the experience in recruiting for positions in the state service, the rates of pay prevailing in the state for the services performed, and for comparable services in public and private employment, living costs, maintenance, or other benefits received by employees, and the financial condition and policies of the state. These considerations shall be made on a statewide basis and shall not make any distinction based on geographical areas or urban and rural conditions. The pay plan shall take effect when approved by [the board and] the governor, and each employee appointed to a position subject to this chapter pursuant to subsection 1 of section 36.030 and each class of positions subject to this section pursuant to section 36.031, after the adoption of the pay plan shall be paid according to the provisions of the pay plan for the position in which he or she is employed; provided, that the commissioner of administration certifies that there are funds appropriated and available to pay the adopted pay plan. The pay plan shall also be used as the basis for preparing budget estimates for submission to the legislature

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insofar as such budget estimates concern payment for services performed in positions subject to this chapter pursuant to subsection 1 of section 36.030 and positions subject to this section pursuant to section 36.031. Amendments to the pay plan may be recommended by the director from time to time as circumstances require and such amendments shall take effect when approved as provided by this section. The conditions under which employees may be appointed at a rate above the minimum provided for the class, or advance from one rate to another within the rates applicable to their positions, may be determined by the regulations.

2. Any change in the pay plan shall be made on a uniform statewide basis. No employee in a position subject to this chapter shall receive more or less compensation than another employee solely because of the geographical area in which the employee lives or works.

36.250. PROBATIONARY PERIODS. — 1. Every person appointed to a permanent position described under subdivision (2) of subsection 1 of section 36.030 shall be required to successfully complete a working test during a probationary period which shall be of sufficient length to enable the appointing authority to observe the employee's ability to perform the various duties pertaining to the position.

2. The [board] director shall by regulation establish the standards governing normal length of the probationary period for different classes of positions. The regulations shall specify the criteria for reducing or lengthening the probationary period for individuals within the various classes. The minimum probationary period shall be three months. The maximum probationary period shall be eighteen months for top professional personnel and personnel with substantial supervisory or administrative responsibilities, and twelve months for all others. However, a probationary period shall not be required for an employee reinstated within two years after layoff or demotion in lieu of layoff by the same division of service.

3. Prior to the expiration of an employee's probationary period, the appointing authority shall notify the director and the employee in writing whether the services of the employee have been satisfactory and whether the appointing authority will continue the employee in the employee's position.

4. At any time during the probationary period the appointing authority may remove an employee if, in the opinion of the appointing authority, the working test indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily. Upon removal, the appointing authority shall forthwith report to the director and to the employee removed, in writing, the appointing authority's action and the reason thereof. An employee who is found by the director to have been appointed through fraud shall be removed within ten days of notification of the appointing authority.

36.440. COMPLIANCE WITH LAW — PENALTY FOR FAILURE TO COMPLY. — 1. All officers and employees of the state subject to provisions of this chapter, whether pursuant to subsection 1 of section 36.030 or pursuant to section 36.031, shall comply with and aid in all proper ways in carrying out the provisions of this chapter applicable to them and the regulations adopted thereunder. All officers and employees shall furnish any records or information which the director [or the board] may request for any purpose of this law.

2. A state officer or employee who shall fail to comply with any provision of this chapter or of any regulation adopted thereunder that is applicable to such person shall be subject to all penalties and remedies now or hereafter provided by law for the failure of a public officer or employee to do any act required of him or her by this chapter. The director may maintain such action or proceeding at law or in equity as he or she considers necessary or appropriate to secure compliance with this chapter and the regulations adopted thereunder.

36.510. DIRECTOR'S DUTIES FOR ALL STATE AGENCIES — STRIKES BY MERIT SYSTEM EMPLOYEES. — 1. In addition to other duties specified elsewhere in this chapter the director may perform the following functions in some or all agencies of state government:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter underscored is proposed language.

(1) Develop, initiate and implement a central training program for personnel in agencies of state government and encourage and assist in the development of such specialized training activities as can best be administered internally by such individual agencies;

(2) Establish a management trainee program and prescribe rules for the establishment of a career executive service for the state;

(3) ~~[Formulate for approval of the board]~~ Promulgate regulations regarding mandatory training for persons employed in management positions in state agencies;

(4) Institute, coordinate and direct a statewide program for recruitment of personnel in cooperation with appointing authorities in state agencies;

(5) Assist all state departments in setting productivity goals and in implementing a standard system of performance appraisals;

(6) Establish and direct a central labor relations function for the state which shall coordinate labor relations activities in individual state agencies, including participation in negotiations and approval of agreements relating to uniform wages, benefits and those aspects of employment which have fiscal impact on the state; and

(7) ~~[Formulate]~~ Promulgate rules ~~[for approval of the board]~~ and establish procedures and standards relating to position classification and compensation of employees which are designed to secure essential uniformity and comparability among state agencies.

2. Any person who is employed in a position subject to this chapter who engaged in a strike or labor stoppage shall be subject to the penalties provided by law.

37.010. COMMISSIONER OF ADMINISTRATION, COMPENSATION, OATH OF OFFICE, DUTIES — VACANCY, GOVERNOR TO SERVE. — 1. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of administration, who shall head the "Office of Administration" which is hereby created. The commissioner of administration shall receive a salary as provided by law and shall also receive his or her actual and necessary expenses incurred in the discharge of his or her official duties. Before taking office, the commissioner of administration shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this state, and to demean himself or herself faithfully in office. The commissioner shall also deposit with the governor a bond, with sureties to be approved by the governor, in the amount to be determined by the governor payable to the state of Missouri, conditioned on the faithful performance of the duties of his or her office. The premium of this bond shall be paid out of the appropriation for the office of the governor.

2. The governor shall appoint the commissioner of administration with the advice and consent of the senate. The commissioner shall be at least thirty years of age and must have been a resident and qualified voter of this state for the five years next preceding his or her appointment. He or she shall be qualified by training and experience to assume the managerial and administrative functions of the office of commissioner of administration.

3. The commissioner of administration shall, by virtue of his or her office, without additional compensation, head the division of budget, the division of purchasing, the division of facilities management, design and construction, the division of personnel, and the information technology services division. Whenever provisions of the constitution grant powers, impose duties or make other reference to the comptroller, they shall be construed as referring to the commissioner of administration.

4. The commissioner of administration shall provide the governor with such assistance in the supervision of the executive branch of state government as the governor requires and shall perform such other duties as are assigned to him or her by the governor or by law. The commissioner of administration shall work with other departments of the executive branch of state government to promote economy, efficiency and improved service in the transaction of state business. The commissioner of administration, with the approval of the governor, shall organize the work of the office of administration in such manner as to obtain maximum effectiveness of the personnel of the office. He or she may

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consolidate, abolish, or reassign duties of positions or divisions combined within the office of administration], except for the division of personnel. He or she may delegate specific duties to subordinates]. These subordinates shall take the same oath as the commissioner and shall be covered by the bond of the director or by separate bond as required by the governor.

5. [The personnel division, personnel director and personnel advisory board as provided in chapter 36 shall be in the office of administration.] The personnel director and employees of the personnel division shall perform such duties as directed by the commissioner of administration for personnel work in agencies and departments of state government to upgrade state employment and to improve the uniform quality of state employment.

6. The commissioner of administration shall prepare a complete inventory of all real estate, buildings and facilities of state government and an analysis of their utilization. Each year he or she shall formulate and submit to the governor a long-range plan for the ensuing five years for the repair, construction and rehabilitation of all state properties. The plan shall set forth the projects proposed to be authorized in each of the five years with each project ranked in the order of urgency of need from the standpoint of the state as a whole and shall be upgraded each year. Project proposals shall be accompanied by workload and utilization information explaining the need and purpose of each. Departments shall submit recommendations for capital improvement projects and other information in such form and at such times as required by the commissioner of administration to enable him or her to prepare the long-range plan. The commissioner of administration shall prepare the long-range plan together with analysis of financing available and suggestions for further financing for approval of the governor who shall submit it to the general assembly. The long-range plan shall include credible estimates for operating purposes as well as capital outlay and shall include program data to justify need for the expenditures included. The long-range plan shall be extended, revised and resubmitted in the same manner to accompany each executive budget. The appropriate recommendations for the period for which appropriations are to be made shall be incorporated in the executive budget for that period together with recommendations for financing. Each revised long-range plan shall provide a report on progress in the repair, construction and rehabilitation of state properties and of the operating purposes program for the preceding fiscal period in terms of expenditures and meeting program goals.

7. The office of the commissioner of administration shall be in Jefferson City.

8. In case of death, resignation, removal from office or vacancy from any cause in the office of commissioner of administration, the governor shall take charge of the office and superintend the business thereof until a successor is appointed, commissioned and qualified.

105.950. COMPENSATION OF CERTAIN DEPARTMENT HEADS. — 1. Until June 30, 2000, the commissioner of administration and the directors of the departments of revenue, social services, agriculture, economic development, corrections, labor and industrial relations, natural resources, and public safety shall continue to receive the salaries they received on August 27, 1999, subject to annual adjustments as provided in section 105.005.

2. On and after July 1, 2000, the salary of the directors of the above departments shall be set by the governor within the limits of the salary ranges established pursuant to this section and the appropriation for that purpose. Salary ranges for department directors and members of the parole board shall be set by the personnel [advisory board] director after considering the results of a study periodically performed or administered by the office of administration. Such salary ranges shall be published yearly in an appendix to the revised statutes of Missouri.

3. Each of the above salaries shall be increased by any salary adjustment provided pursuant to the provisions of section 105.005.

105.1114. ADMINISTRATIVE RULES TO BE PROVIDED BY PERSONNEL DIRECTOR, PROCEDURE. — Administrative procedures for the implementation of sections 105.1100 to 105.1116

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Matter underscored is proposed language.

shall be promulgated by the [state] personnel [advisory board] director for those employees classified under the state personnel law and by other public employers for those employees under their management and control. No rule or portion of a rule promulgated under the authority of sections 105.1100 to 105.1116 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

288.220. ADMINISTRATION OF LAW — DIRECTOR — STATE UNEMPLOYMENT INSURANCE OPERATION — RULES AND REGULATIONS. — 1. Subject to the supervision of the director of the department of labor and industrial relations, the division of employment security of the department of labor and industrial relations shall be under the control, management and supervision of a director who shall be appointed by the governor, by and with the advice and consent of the senate. The director shall serve at the pleasure of the governor.

2. The division shall be responsible for administering the Missouri state unemployment insurance operation and any other operations as are necessary to administer the state's employment security law.

3. The central office of the division shall be maintained in the City of Jefferson.

4. Subject to the supervision and approval of the director of the department of labor and industrial relations, it shall be the duty of the director to administer this law; and the director shall have power and authority to adopt, amend, or rescind any regulations as the director deems necessary to the efficient internal management of the division. The director shall determine the division's organization and methods of procedure. Subject to the provisions of the state [merit system] personnel law, chapter 36, the director shall employ and prescribe the duties and powers of the persons as may be necessary. The director shall collaborate with the personnel director [and the personnel advisory board] in establishing for employees of the division salaries comparable to the salaries paid by other states of a similar size and volume of operations to employees engaged in the administration of the employment security programs of those states. The director may delegate to any such person the power and authority as the director deems reasonable and proper for the effective administration of the law, and may in the director's discretion bond any person handling moneys or signing checks. Further, the director shall have the power to make expenditures, require reports, make investigations and take other action not inconsistent with this law as he or she considers necessary to the efficient and proper administration of the law.

5. Subject to the approval of the director of the department of labor and industrial relations and the commission, the director shall adopt, amend or rescind the rules and regulations as are necessary to implement any of the provisions of this law not relating to the internal management of the division; however, the rules and regulations shall not become effective until ten days after their approval by the commission and copies thereof have been filed in the office of the secretary of state.

[36.050. ADVISORY BOARD, MEMBERS, APPOINTMENT, TERMS, REMOVAL, COMPENSATION. — 1. The personnel advisory board and its functions, duties and powers prescribed in this chapter is transferred by type III transfer to the office of administration.

2. The personnel advisory board shall consist of seven members. Four members of the board shall be public members, citizens of the state who are not state employees or officials, of good character and reputation, who are known to be in sympathy with the application of merit principles to public employment. Two members shall be employees of state agencies subject to this chapter pursuant to subsection 1 of section 36.030 or any department, agency, or position of the executive branch of state government not exempted from section 36.031, one a member of executive management, and one a nonmanagement employee. The state equal employment opportunity officer shall be a member of the board. No member of the board, during the member's term of office, or for at least one year prior thereto, shall be a member of any local, state or national committee of a political party or an officer or member of a committee in any partisan political club or organization, or hold, or be a candidate for, a partisan

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public office. An employee member who leaves state employment or otherwise fails to further qualify for the appointment shall vacate the position.

3. The members of the board shall be appointed by the governor by and with the advice and consent of the senate. Appointments of all members shall be for terms of six years. Any vacancy shall be filled by an appointment for the unexpired term. Each member of the board shall hold office until such member's successor is appointed and qualified.

4. A member of the board is removable by the governor only for just cause, after being given a written notice setting forth in substantial detail the charges against the member and an opportunity to be heard publicly on the charges before the governor. A copy of the charges and a transcript of the record of the hearing shall be filed with the secretary of state.

5. Each public member of the board shall be paid an amount for each day devoted to the work of the board which shall be determined by the commissioner of administration and filed with the reorganization plan of the office of administration; provided, however, that such amount shall not exceed that paid to members of boards and commissions with comparable responsibilities. All board members are entitled to reimbursement for necessary travel and other expenses pertaining to the duties of the board. Duties performed for the board by any employee member of the board shall be considered duties in connection with the appointment of the individual, and such employee member shall suffer no loss of regular compensation by reason of performance of such duties.

6. The board shall elect from among its membership a chairman and vice chairman, who shall act as chairman in the chairman's absence. It shall meet at the times and places specified by call of the chairman, the governor, or the director. At least one meeting shall be held every three months. All regular meetings are open to the public. Notice of each meeting shall be given in writing to each member by the director. Four members shall constitute a quorum for the transaction of official business.

7. To assist in the performance of its duties the board may employ staff from funds appropriated for this purpose; provided, however, that this provision shall not be interpreted to limit the ability of the personnel director to provide assistance to the board.]

Approved June 7, 2023

SS SB 116

Enacts provisions relating to the disposition of the dead.

AN ACT to repeal sections 193.175, 194.010, 194.020, 194.060, 194.070, 194.080, 194.090, 194.100, 194.105, 194.110, and 194.119, RSMo, and to enact in lieu thereof four new sections relating to the disposition of the dead.

SECTION

A Enacting clause.

- 193.175 Person in charge of final disposition of dead body to affix tag with identifying information, requirements.
- 194.010 Shipment by common carrier, rules.
- 194.105 Disinterment for transport to location outside original cemetery — notice, to whom.
- 194.119 Right of sepulcher, the right to choose and control final disposition of a dead human body.
- 194.020 Hermetically sealed coffin, specifications.
- 194.060 Transportation of dead body by common carrier, requirements.
- 194.070 Preparation of certain bodies for shipment supervised by health officer.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 194.080 Preparation of certain dead bodies for shipment.
- 194.090 Preparation necessary for bodies of persons who died of certain communicable diseases
- 194.100 Transportation of bodies where cause of death is noncontagious.
- 194.110 Penalty for violation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 193.175, 194.010, 194.020, 194.060, 194.070, 194.080, 194.090, 194.100, 194.105, 194.110, and 194.119, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 193.175, 194.010, 194.105, and 194.119, to read as follows:

193.175. PERSON IN CHARGE OF FINAL DISPOSITION OF DEAD BODY TO AFFIX TAG WITH IDENTIFYING INFORMATION, REQUIREMENTS. — [1. The funeral director or person acting as such in charge of final disposition of a dead body shall file a completed notification of death with the local registrar where the death occurred. Such notification of death shall be on a form or in a format prescribed and furnished by the state registrar and shall be filed or postmarked prior to the date of final disposition of the body. Such notification of death shall authorize final disposition except as otherwise stated in this section or in section 193.145. If the body is to be cremated, a completed death certificate shall be filed with the local registrar prior to cremation and shall authorize cremation except as stated in section 193.145.

2.] The funeral director or person in charge of final disposition of a dead body shall, prior to the interment of such dead body, affix on the ankle or wrist of the deceased and/or in a capsule or other container placed in the casket or, if the dead body is cremated, on the inside of the vessel containing the remains, a tag encased in durable and long-lasting material containing the name of the deceased, the date of birth, date of death and Social Security number of the deceased.

194.010. HIPMENT BY COMMON CARRIER, RULES. — [A disinterred human body, dead of a disease or any cause, will be treated as infectious and dangerous to the public health, and shall not be offered to or accepted by any common carrier for transportation unless it is encased in an airtight metal or metal-lined burial case, coffin, casket or box that is closed and hermetically sealed] The department of health and senior services shall issue regulations setting forth health and safety requirements for transporting dead human bodies that are placed on common carriers in the state of Missouri.

194.105. DISINTERMENT FOR TRANSPORT TO LOCATION OUTSIDE ORIGINAL CEMETERY — NOTICE, TO WHOM. — In addition to any records filed pursuant to chapter 193, any person or owner or operator of any cemetery which removes any body which has been properly buried or interred for transportation to a location outside the original cemetery shall, prior to such disinterment, file notice with the county coroner or county medical examiner] and also notify by certified mail, the closest living relative known to the cemetery operator, of the body being moved. Such notice shall provide the name and address of the person moving the body, the name of the person whose body is to be moved, and the location to which the body is to be moved. Transportation of the body shall be in accordance with the provisions of sections 194.010 to 194.110, and in accordance with any other applicable law or regulation].

194.119. RIGHT OF SEPULCHER, THE RIGHT TO CHOOSE AND CONTROL FINAL DISPOSITION OF A DEAD HUMAN BODY. — 1. As used in this section, the term "right of sepulcher" means the right to choose and control the burial, cremation, or other final disposition of a dead human body.

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Matter underscored is proposed language.

2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases relating to the custody, control, and disposition of deceased human remains, including the common law right of sepulcher, where not otherwise defined, the term "next-of-kin" means the following persons in the priority listed if such person is eighteen years of age or older, is mentally competent, and is willing to assume responsibility for the costs of disposition:

(1) An attorney in fact designated in a durable power of attorney wherein the deceased specifically granted the right of sepulcher over his or her body to such attorney in fact;

(2) For a decedent who was on active duty in the United States military at the time of death, the person designated by such decedent in the written instrument known as the United States Department of Defense Form 93, Record of Emergency Data, in accordance with [P.L. 109-163, Section 564,] 10 U.S.C. Section 1482;

(3) The surviving spouse, unless an action for the dissolution of the marriage has been filed and is pending in a court of competent jurisdiction;

(4) Any surviving child of the deceased. If a surviving child is less than eighteen years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place of the child unless such child's legal or natural guardian was subject to an action in dissolution from the deceased. In such event the person or persons who may serve as next-of-kin shall serve in the order provided in subdivisions (5) to (9) of this subsection;

(5) (a) Any surviving parent of the deceased; or

(b) If the deceased is a minor, a surviving parent who has custody of the minor; or

(c) If the deceased is a minor and the deceased's parents have joint custody, the parent whose residence is the minor child's residence for purposes of mailing and education;

(6) Any surviving sibling of the deceased;

(7) The next nearest surviving relative of the deceased by consanguinity or affinity;

(8) Any person or friend who assumes financial responsibility for the disposition of the deceased's remains if no next-of-kin assumes such responsibility;

(9) The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, the county, or the state financially responsible for the cost of disposition.

3. The next-of-kin of the deceased shall be entitled to control the final disposition of the remains of any dead human being consistent with all applicable laws, including all applicable health codes. The next-of-kin may delegate the control of the final disposition of the remains of any dead human being to an agent through either a specific or general grant of power in accordance with section 404.710 if, at the time of delegation, the next-of-kin was eighteen years of age or older and mentally competent and the principal or agent is taking financial responsibility for the disposition.

4. A funeral director or establishment is entitled to rely on and act according to the lawful instructions of any person claiming to be the next-of-kin of the deceased; provided however, in any civil cause of action against a funeral director or establishment licensed pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased person in the director's or establishment's care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-of-kin.

5. Any person who desires to exercise the right of sepulcher and who has knowledge of an individual or individuals with a superior right to control disposition shall notify such individual or individuals prior to making final arrangements.

6. If an individual with a superior claim is [personally served with written notice from] notified in person or by written notice with delivery confirmation to such person's last known address by a person with an inferior claim that such person desires to exercise the right of sepulcher and the individual so served does not object within forty-eight hours of [receipt] such notice, such individual shall be deemed

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to have waived such right. An individual with a superior right may also waive such right at any time if such waiver is in writing and dated.

7. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director or establishment shall be entitled to rely on and act according to the instructions of the first such person in the class to make arrangements; provided that such person assumes responsibility for the costs of disposition and no other person in such class provides written notice of his or her objection. If the funeral director has knowledge that there is more than one person in a class who are equal in priority and who do not agree on the disposition, the decision of the majority of the members of such class shall control the disposition.

8. For purposes of conducting a majority vote under subsection 7 of this section, the funeral director shall allow voting by proxy using a written authorization or instrument.

[194.020. HERMETICALLY SEALED COFFIN, SPECIFICATIONS. — When hermetic sealing is required herein, the burial case, coffin, casket or box used must be of metal, or of other material with metal lining, and must be so constructed that when closed and fastened the same shall be airtight.]

[194.060. TRANSPORTATION OF DEAD BODY BY COMMON CARRIER, REQUIREMENTS. — No dead human body shall be offered to or accepted by any common carrier for transportation unless it is in a burial case, coffin or casket that is securely closed, and the burial case, coffin, or casket containing the body is in a wooden, metal or metal-lined box that is securely closed, and on the top of the box must appear the name of the deceased, the destination, the time and place of death, the cause of death, the name of the attending physician or coroner, and the name of the person who prepared the body for shipment.]

[194.070. PREPARATION OF CERTAIN BODIES FOR SHIPMENT SUPERVISED BY HEALTH OFFICER. — The body of any person having died of Asiatic cholera (cholera), typhus or ship fever, yellow fever, or bubonic plague, shall not be offered to or accepted by any common carrier for transportation unless it shall have been prepared for shipment in accordance with section 194.080, and under the supervision of an officer of the department of health and senior services, or supervision of a member of the state board of embalmers and funeral directors.]

[194.080. PREPARATION OF CERTAIN DEAD BODIES FOR SHIPMENT. — The body of any person having died of diphtheria (membranous croup), scarlet fever (scarlatina or scarlet rash), glanders, anthrax, leprosy or smallpox shall not be offered to or accepted by any common carrier for transportation unless: (1) It shall have been thoroughly embalmed by arterial and cavity injection with a disinfecting fluid, the orifices disinfected and packed with cotton, and the whole exterior of the body washed with a disinfecting fluid; or (2) unless it shall have been completely wrapped in a sheet that is saturated with a solution of bichloride of mercury, in the proportion of one ounce of bichloride of mercury to one gallon of water, and encased in an airtight metal or metal-lined burial case, coffin, casket or box that is closed and hermetically sealed.]

[194.090. PREPARATION NECESSARY FOR BODIES OF PERSONS WHO DIED OF CERTAIN COMMUNICABLE DISEASES. — The body of any person having died of tuberculosis, puerperal fever, typhoid fever, erysipelas, measles, or other dangerous or communicable diseases other than those specified in sections 194.070 and 194.080, shall not be offered to or accepted by any common carrier for transportation, unless such body shall have been thoroughly embalmed by arterial and cavity injection with a disinfecting fluid, as specified in section 194.080; or, if such body is not so embalmed, it must be encased in an airtight metal or metal-lined burial case, coffin, casket or box that is closed and hermetically sealed. The body of any person having died of a disease that is contagious, infectious or

communicable must not be accompanied by clothing or articles that have been exposed to the infection of such disease.]

[194.100. TRANSPORTATION OF BODIES WHERE CAUSE OF DEATH IS NONCONTAGIOUS. —

The body of any person having died of a cause or disease that is not contagious, infectious or communicable, and from which no offensive odor emits, may be offered to and accepted by any common carrier for transportation; provided, the destination can be reached within twenty-four hours from the time of death of such person, but if the destination cannot be reached within twenty-four hours from the time of such death, then the body must be thoroughly embalmed by arterial and cavity injection with a disinfecting fluid, or encased in an airtight metal or metal-lined burial case, coffin, casket or box that is closed and hermetically sealed.]

[194.110. PENALTY FOR VIOLATION. —

Any person, firm, company or corporation, or agent thereof, who shall fail, refuse or neglect to comply with any of the provisions of sections 194.010 to 194.110, or any part of such provisions, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in the sum of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than sixty days, or by both such fine and imprisonment.]

Approved July 6, 2023

CCS SS SCS SB 127

Enacts provisions relating to state designations marked by the department of transportation.

AN ACT to repeal sections 226.1150, 227.297, 227.299, 227.441, and 227.539, RSMo, and to enact in lieu thereof twenty-four new sections relating to state designations marked by the department of transportation.

SECTION

A Enacting clause.

- 226.1150 German Heritage Corridor of Missouri designated for certain counties located along the Missouri River — signage.
- 226.1160 Stars and Stripes Historic Region of Missouri designated for counties — signage.
- 227.296 FA Paul Akers Jr and LCPL Jared Schmitz memorial sign funding act — no fees for highway designations for members of the Armed Forces.
- 227.297 Heroes Way designation program established — signage — application procedure — joint committee to review applications.
- 227.299 Memorial bridge or highway designations, procedure — notice requirements — signs to be erected — multiple designations prohibited — time period of designation.
- 227.441 Marine LCPL Jared Schmitz Memorial Bridge designated in St. Charles County.
- 227.539 Officer Blake Snyder Memorial Highway designated for a portion of State Highway 30 in St. Louis County.
- 227.798 Rev Dr Martin Luther King Jr memorial highway designated for a portion of Pine Street in Poplar Bluff.
- 227.818 Don Welge memorial bridge designated for portion of new bridge on State Highway 51 in Perry County.

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Matter underscored is proposed language.

- 227.819 Police SGT Herschel Turner Jr memorial bridge designated for bridge on State Highway 367 in St. Louis County.
- 227.820 James W Brooks memorial highway designated for a portion of I-70 in St. Louis City and St. Louis County.
- 227.821 SGT James L Shipley memorial highway designated for a portion of U.S. Highway 50 in city of Tipton.
- 227.823 Representative Tom Hannegan memorial highway designated for a portion of State Highway 94 in St. Charles County.
- 227.824 Police Officer Blaize Madrid-Evans memorial highway designated for a portion of State Highway 291 in Jackson County.
- 227.825 Det. Antonio Valentine memorial bridge designated for bridge on State Highway 231 in St. Louis and Jefferson counties.
- 227.826 CPL Ben Cooper memorial bridge designated for bridge on Loop 44/Range Line Road in city of Joplin.
- 227.827 Officer Timothy Nielson memorial bridge designated for bridge on CST Connecticut Avenue in city of Joplin.
- 227.828 CPL Homer Hoover Shultz memorial highway designated for a portion of State Highway 133 in Pulaski County.
- 227.829 John Walter Basye memorial highway designated for a portion of Business Highway 61 in Pike County.
- 227.831 Officer Walter W Farrow memorial highway designated for a portion of State Highway A in Miller County.
- 227.832 Sam Santhuff memorial highway designated for a portion of State Highway F in city of Fulton.
- 227.835 Ethel Hedgemon Lyle memorial highway designated for a portion of I-70 in St. Louis City.
- 227.836 Kaitlyn Anderson memorial bridge designated for a bridge on Telegraph Road in St. Louis County.
- 227.837 Officer Daniel Vasquez memorial highway designated for portion of State Highway 210 in Clay County.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 226.1150, 227.297, 227.299, 227.441, and 227.539, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 226.1150, 226.1160, 227.296, 227.297, 227.299, 227.441, 227.539, 227.798, 227.818, 227.819, 227.820, 227.821, 227.823, 227.824, 227.825, 227.826, 227.827, 227.828, 227.829, 227.831, 227.832, 227.835, 227.836, and 227.837, to read as follows:

226.1150. GERMAN HERITAGE CORRIDOR OF MISSOURI DESIGNATED FOR CERTAIN COUNTIES LOCATED ALONG THE MISSOURI RIVER — SIGNAGE. — The counties located along the Missouri River that were greatly influenced by early German settlers including Boone, Chariton, Saline, Lafayette, Cooper, Howard, Moniteau, Cole, Callaway, Osage, Gasconade, Montgomery, Warren, Franklin, St. Charles, [and] St. Louis, and Perry, and the City of St. Louis, shall be designated the "German Heritage Corridor of Missouri". The department of transportation may place suitable markings and informational signs in the designated areas. Costs for such designation shall be paid by private donations.

226.1160. STARS AND STRIPES HISTORIC REGION OF MISSOURI DESIGNATED FOR COUNTIES — SIGNAGE. — The region of southeast Missouri that includes the South County area of St. Louis county and the counties of Jefferson, Franklin, Crawford, Dent, Shannon, Oregon, Ste. Genevieve, Washington, St. Francois, Madison, Iron, Perry, Wayne, Reynolds, Bollinger, Cape

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Girardeau, Scott, Mississippi, Stoddard, Ripley, Butler, Carter, New Madrid, Pemiscot, and Dunklin shall be designated the "Stars and Stripes Historic Region of Missouri". The department of transportation may place suitable markings and informational signs in the designated areas. Costs for such designation shall be paid by private donation.

227.296. FA PAUL AKERS JR AND LCPL JARED SCHMITZ MEMORIAL SIGN FUNDING ACT — NO FEES FOR HIGHWAY DESIGNATIONS FOR MEMBERS OF THE ARMED FORCES. — 1. This section shall be known as the "FA Paul Akers Jr and LCPL Jared Schmitz Memorial Sign Funding Act".

2. Notwithstanding any provision of law to the contrary, beginning August 28, 2023, for designations on the state highway system honoring members of the Armed Forces killed in the line of duty, members of the Armed Forces who are missing in action, Missouri recipients of the medal of honor, emergency personnel killed while performing duties relating to their employment, or state employees killed while serving the state, no fees shall be assessed and all costs associated with such designations shall be funded by the department of transportation.

227.297. HEROES WAY DESIGNATION PROGRAM ESTABLISHED — SIGNAGE — APPLICATION PROCEDURE — JOINT COMMITTEE TO REVIEW APPLICATIONS. — 1. This section establishes a designation program, to be known as the "Heroes Way Designation Program", to honor the fallen Missouri heroes who have been killed in action while performing active military duty with the Armed Forces. The signs shall be placed upon interstate or state-numbered highway interchanges or upon bridges or segments of highway on the state highway system in accordance with this section, and any applicable federal and state limitations or conditions on highway signage, including location and spacing.

2. Any person who is related by marriage, adoption, or consanguinity within the second degree to a member of the United States Armed Forces who was killed in action while performing active military duty with the Armed Forces, and who was a resident of this state at the time he or she was killed in action, may apply for a designation under the provisions of this section.

3. Any person described under subsection 2 of this section who desires to have an interstate or state-numbered highway interchange or bridge or segment of highway on the state highway system designated after his or her family member shall petition the department of transportation by submitting the following:

(1) An application in a form prescribed by the director, describing the interstate or state-numbered highway interchange or bridge or segment of highway on the state highway system for which the designation is sought and the proposed name of the interchange, bridge or relevant segment of highway. The application shall include the name of at least one current member of the general assembly who will sponsor the designation. The application may contain written testimony for support of the designation;

(2) Proof that the family member killed in action was a member of the United States Armed Forces and proof that such family member was in fact killed in action while performing active military duty with the United States Armed Forces. Acceptable proof shall be a statement from the Missouri veterans commission or the United States Department of Veterans Affairs so certifying such facts; and

(3) By signing a form provided by the Missouri transportation department, the applicant shall certify that the applicant is related by marriage, adoption, or consanguinity within the second degree to the member of the United States Armed Forces who was killed in action; and

(4) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed interchange, bridge, or highway signs. The fee shall not exceed the cost of constructing and maintaining each sign.

4. All moneys received by the department of transportation for the construction and maintenance of interchange, bridge, or highway signs shall be deposited in the state treasury to the credit of the state road fund].

[5.] 4. The documents [and fees] required under this section shall be submitted to the department of transportation.

[6.] 5. The department of transportation shall submit for approval or disapproval all applications for designations to the joint committee on transportation oversight. The joint committee on transportation oversight may review such applications at any scheduled meeting convened pursuant to section 21.795. If satisfied with the application and all its contents, the committee shall approve the application. The committee shall notify the department of transportation upon the approval or denial of an application for a designation.

[7.] 6. The department of transportation shall give notice of any proposed designation under this section in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the designation on the department's official public website and making available copies of the sign designation application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

[8.] If the memorial designation request is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the applicant.

[9.] 7. Two signs shall be erected for each interchange, bridge, or highway designation processed under this section.

[10.] 8. No interchange, bridge, or highway may be named or designated after more than one member of the United States Armed Forces killed in action. Such person shall only be eligible for one interchange, bridge, or highway designation under the provisions of this section.

[11.] 9. Any highway signs erected for any designation under the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs shall be subject to removal by the department of transportation and the interchange, bridge, or highway may be designated to honor persons other than the current designee. An existing designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the department of transportation is made to retain the designation along with the [required] documents [and all applicable fees] required under this section.

227.299. MEMORIAL BRIDGE OR HIGHWAY DESIGNATIONS, PROCEDURE — NOTICE REQUIREMENTS — SIGNS TO BE ERECTED — MULTIPLE DESIGNATIONS PROHIBITED — TIME PERIOD OF DESIGNATION. — 1. Except as provided in subsection 7 of this section, an organization or person that seeks a bridge or highway designation on the state highway system to honor an event, place, organization, or person who has been deceased for more than two years shall petition the department of transportation by submitting the following:

(1) An application in a form prescribed by the director, describing the bridge or segment of highway for which designation is sought and the proposed name of the bridge or relevant portion of highway. The application shall include the name of at least one current member of the general assembly who will sponsor the bridge or highway designation. The application may contain written testimony for support of the bridge or highway designation;

(2) A list of at least one hundred signatures of individuals who support the naming of the bridge or highway; and

(3) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed signs. The fee shall not exceed the cost of constructing and maintaining each sign.

2. All moneys received by the department of transportation for the construction and maintenance of bridge or highway signs on the state highway system shall be deposited in the state treasury to the credit of the state road fund.

3. The documents and fees required under this section shall be submitted to the department of transportation no later than November first prior to the next regular session of the general assembly to be approved or denied by the joint committee on transportation oversight during such legislative session.

4. The department of transportation shall give notice of any proposed bridge or highway designation on the state highway system in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the designation on the department's official public website, and making available copies of the sign designation application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

5. If the memorial highway designation requested by the organization is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the requesting organization.

6. Two highway signs shall be erected for each bridge and highway designation on the state highway system processed under this section. When a named section of a highway crosses two or more county lines, consideration shall be given by the department of transportation to allow additional signage at the county lines or major intersections.

7. [(1)] Highway or bridge designations on the state highway system honoring fallen law enforcement officers, members of the Armed Forces killed in the line of duty, Missouri recipients of the medal of honor, emergency personnel killed while performing duties relating to their employment, or state employees killed while serving the state shall not be subject to the provisions of this section.

[(2)]Notwithstanding any provision of law to the contrary, beginning August 28, 2021, for designations honoring Missouri medal of honor recipients, no fees shall be assessed and all costs associated with such designations shall be funded by the department of transportation.]

8. No bridge or portion of a highway on the state highway system may be named or designated after more than one event, place, organization, or person. Each event, place, organization, or person shall only be eligible for one bridge or highway designation.

9. Any highway signs erected for any bridge or highway designation on the state highway system under the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs shall be subject to removal by the department of transportation and the bridge or highway may be designated to honor events, places, organizations, or persons other than the current designee. An existing highway or bridge designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the department of transportation is made to retain the designation along with the required documents and all applicable fees required under this section.

10. For persons honored with designations on the state highway system under this chapter after August 28, 2021, the department of transportation shall post a link on its website to biographical information of such persons.

11. The provisions of this section shall apply to bridge or highway designations sought after August 28, 2006.

227.441. MARINE LCPL JARED SCHMITZ MEMORIAL BRIDGE DESIGNATED IN ST. CHARLES COUNTY. — The newly constructed bridge on the CST David Hoeckel Parkway that crosses over Interstate 70 in Wentzville in St. Charles County shall be designated as "Marine LCPL Jared Schmitz Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations. Notwithstanding any provision of law to the contrary, the signs designating the bridge shall be placed along Interstate 70 as close to the bridge as practicable.

227.539. OFFICER BLAKE SNYDER MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 30 IN ST. LOUIS COUNTY. — The portion of State Highway 30 from [State Highway 21] Sappington Road continuing east to State Highway P in St. Louis County shall be designated as "Officer Blake Snyder Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.798. REV DR MARTIN LUTHER KING JR MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF PINE STREET IN POPLAR BLUFF. — The portion of Pine Street (Business 60) from North Westwood Boulevard (Business 67) continuing to B Street within the City of Poplar Bluff in Butler County shall be designated the "Rev Dr Martin Luther King Jr Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.818. DON WELGE MEMORIAL BRIDGE DESIGNATED FOR PORTION OF NEW BRIDGE ON STATE HIGHWAY 51 IN PERRY COUNTY. — The Missouri portion of the new bridge (Chester Bridge) on State Highway 51 crossing over the Mississippi River in Perry County to the Missouri/Illinois state line shall be designated as the "Don Welge Memorial Bridge". The Missouri department of transportation and the Illinois department of transportation shall collaborate in designating, erecting, and maintaining appropriate signs designating their state's portion of the bridge, with the costs to be paid by private donations.

227.819. POLICE SGT HERSCHEL TURNER JR MEMORIAL BRIDGE DESIGNATED FOR BRIDGE ON STATE HIGHWAY 367 IN ST. LOUIS COUNTY. — The bridge on State Highway 367 crossing over Chambers Road in St. Louis County shall be designated the "Police SGT Herschel Turner Jr Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.820. JAMES W BROOKS MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-70 IN ST. LOUIS CITY AND ST. LOUIS COUNTY. — The portion of Interstate 70 from Union Boulevard continuing west to State Highway U in St. Louis City and St. Louis County shall be designated as "James W Brooks Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.821. SGT JAMES L SHIPLEY MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF U.S. HIGHWAY 50 IN CITY OF TIPTON. — The portion of U.S. Highway 50 from Bahner Quarry Road continuing west to Tower Road through the City of Tipton in Moniteau County shall be designated the "SGT James L Shipley Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.823. REPRESENTATIVE TOM HANNEGAN MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 94 IN ST. CHARLES COUNTY. — The portion of State Highway 94 from Interstate 70 continuing east to State Highway 370 in St. Charles County shall be designated the "Representative Tom Hannegan Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.824. POLICE OFFICER BLAIZE MADRID-EVANS MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 291 IN JACKSON COUNTY. — The portion of State Highway 291 from State Highway 78 to State Highway 24 in Jackson County shall be designated the "Police Officer Blaize Madrid-Evans Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter underscored is proposed language.

227.825. DET. ANTONIO VALENTINE MEMORIAL BRIDGE DESIGNATED FOR BRIDGE ON STATE HIGHWAY 231 IN ST. LOUIS AND JEFFERSON COUNTIES. — The bridge on State Highway 231 crossing over the Meramec River in St. Louis and Jefferson Counties shall be designated the "Det. Antonio Valentine Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.826. CPL BEN COOPER MEMORIAL BRIDGE DESIGNATED FOR BRIDGE ON LOOP 44/RANGE LINE ROAD IN CITY OF JOPLIN. — The bridge on Loop 44/Range Line Road crossing over the Kansas City Southern Railroad in the City of Joplin in Newton County shall be designated the "CPL Ben Cooper Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.827. OFFICER TIMOTHY NIELSON MEMORIAL BRIDGE DESIGNATED FOR BRIDGE ON CST CONNECTICUT AVENUE IN CITY OF JOPLIN. — The bridge on CST Connecticut Avenue that crosses over Interstate 44 within the City of Joplin in Newton County shall be designated the "Officer Timothy Nielson Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.828. CPL HOMER HOOVER SHULTZ MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 133 IN PULASKI COUNTY. — The portion of State Highway 133 beginning one mile south of State Highway T to one mile north of State Highway T in Pulaski County shall be designated the "CPL Homer Hoover Shultz Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.829. JOHN WALTER BASYE MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF BUSINESS HIGHWAY 61 IN PIKE COUNTY. — The portion of Business Highway 61 in Pike County from its intersection with Airport Road continuing south to its intersection with Missouri Route 161 in the City of Bowling Green shall be designated as "John Walter Basye Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.831. OFFICER WALTER W FARROW MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY A IN MILLER COUNTY. — The portion of State Highway A from State Highway 42 continuing west to Boeckman Bridge Road in Miller County shall be designated the "Officer Walter W Farrow Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.832. SAM SANTHUFF MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY F IN CITY OF FULTON. — The portion of State Highway F from Gaylord Drive continuing east to Westminster Avenue in the City of Fulton in Callaway County shall be designated the "Sam Santhuff Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.835. ETHEL HEDGEMON LYLE MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-70 IN ST. LOUIS CITY. — The portion of Interstate 70 from the Tenth Street ramp to Interstate 70 continuing west to Salisbury Street in the City of St. Louis shall be designated as "Ethel Hedgemon Lyle Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

227.836. KAITLYN ANDERSON MEMORIAL BRIDGE DESIGNATED FOR A BRIDGE ON TELEGRAPH ROAD IN ST. LOUIS COUNTY. — The bridge on Telegraph Road passing over Interstate 255 in St. Louis County shall be designated the "Kaitlyn Anderson Memorial Bridge". The department of transportation shall erect and maintain appropriate signs designating such bridge, with the costs to be paid by private donations.

227.837. OFFICER DANIEL VASQUEZ MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 210 IN CLAY COUNTY. — The portion of State Highway 210 from CST Diamond Parkway continuing east to CST Chouteau Trafficway in Clay County shall be designated as "Officer Daniel Vasquez Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

Approved July 6, 2023

HS HCS SS SB 138

Enacts provisions relating to agriculture.

AN ACT to repeal sections 60.401, 60.410, 60.421, 60.431, 60.441, 60.451, 60.471, 60.480, 60.491, 60.510, 135.772, 135.775, 135.778, 143.022, 143.121, 195.203, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 195.773, 196.311, 196.316, 261.265, 281.102, 304.180, 323.100, 340.341, 340.345, 340.381, 340.384, 340.387, and 413.225, RSMo, and to enact in lieu thereof twenty-seven new sections relating to agriculture.

SECTION

A Enacting clause.

- 60.401 Missouri state plane coordinate system established.
- 60.411 Projection zone layers.
- 60.431 Position or location, use of plane coordinate to establish.
- 60.441 Descriptions involving more than one zone.
- 60.471 Use of term limited.
- 60.480 Property descriptions based on United States public land survey recognized.
- 60.496 Geodetic reference networks, use of permitted.
- 60.510 Powers and duties of department.
- 68.080 Waterways and ports trust fund, use of moneys — project criteria — termination date.
- 135.772 High ethanol — definitions — seller tax credit amount, claim procedure — rules — sunset provision.
- 135.775 Biodiesel blend — definitions — seller tax credit, amount, procedure — rules — sunset provision.
- 135.778 Biodiesel producer — definitions — producer tax credit, amount, procedure — rules — sunset provision.
- 143.022 Deduction for business income — business income defined — increase in percentage of subtraction, when.
- 143.121 Missouri adjusted gross income.
- 196.311 Definitions.
- 196.316 License requirements — applications — kinds of licenses — fees — posting.
- 256.800 Citation of law — definitions — flood resiliency improvement fund established, use of moneys — program established, requirements — rulemaking authority.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 262.911 Hardwood products, promotion of — fund created, use of moneys — sunset provision.
- 281.102 Delayed effective date.
- 304.180 Regulations as to weight — axle load, tandem axle defined — transport of specific items, total gross weight permitted — requirements during disasters — specific vehicles, maximum weight.
- 323.100 Inspection of liquid meters — inaccurate meters condemned — fee — report — fee schedule to be published.
- 340.341 Eligibility standards for loan repayment program — rulemaking authority.
- 340.345 Loan repayment to include principal, interest and related expenses — annual limit.
- 340.381 Program and fund created, use of moneys.
- 340.384 Application procedure — amount of award — number of applicants to be awarded.
- 340.387 Contracts for assistance — repayment — forgiveness of loan, when.
- 413.225 Fees — amount — due when, inspection or calibration, failure to pay fee, effect, penalty.
- 60.410 State divided into three zones — descriptions.
- 60.421 Zones, official names.
- 60.451 Missouri coordinate system zones precisely defined.
- 60.491 Missouri coordinate system of 1983 to be sole system after July 1990.
- 195.203 Industrial hemp, authorization to grow, harvest, cultivate, and process with valid registration.
- 195.740 Definitions.
- 195.743 Viable industrial hemp is an agricultural product subject to regulation by department.
- 195.746 Registration and permits, requirements — application, contents — issuance, when.
- 195.749 Registration and permit, revocation, refusal to issue, refusal to renew, when — penalty, amount.
- 195.752 Administrative fine, when, amount.
- 195.756 Pesticides and agricultural chemicals, use of — limitations on liability.
- 195.758 Monitoring system, recordkeeping requirements — inspections, when — destruction of crop, when — aerial surveillance — coordination with local law enforcement — nonviable hemp not subject to regulation.
- 195.764 Fees, amount, use of — fund created.
- 195.767 Research and study of industrial hemp by institutions of higher education permitted, registration and permit not required.
- 195.773 Department duties — rulemaking authority.
- 261.265 License issuance, to whom — grower may produce, manufacture, and distribute, when — recordkeeping — inspections — rulemaking — civil penalty.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 60.401, 60.410, 60.421, 60.431, 60.441, 60.451, 60.471, 60.480, 60.491, 60.510, 135.772, 135.775, 135.778, 143.022, 143.121, 195.203, 195.740, 195.743, 195.746, 195.749, 195.752, 195.756, 195.758, 195.764, 195.767, 195.773, 196.311, 196.316, 261.265, 281.102, 304.180, 323.100, 340.341, 340.345, 340.381, 340.384, 340.387, and 413.225, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 60.401, 60.411, 60.431, 60.441, 60.471, 60.480, 60.496, 60.510, 68.080, 135.772, 135.775, 135.778, 143.022, 143.121, 196.311, 196.316, 256.800, 262.911, 281.102, 304.180, 323.100, 340.341, 340.345, 340.381, 340.384, 340.387, and 413.225, to read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

60.401. MISSOURI STATE PLANE COORDINATE SYSTEM ESTABLISHED. — The [systems of] most recent system of state plane coordinates [which have been] established by the [National Ocean Survey/]National Geodetic Survey, or its [successors] successor, based on the National Spatial Reference System, or its successor, and known as the State Plane Coordinate System, for defining and stating the [geographic] positions or locations of points on the surface of the earth within the state of Missouri [are hereafter to] shall be known [and designated] as the ["Missouri Coordinate System of 1927" and the] "Missouri State Plane Coordinate System [of 1983]".

60.411. PROJECTION ZONE LAYERS. — The Missouri state plane coordinate system may have one or more projection zone layers. Each layer of zones shall be covered by geodetically referenced mapping projections adopted and supported by the National Geodetic Survey as a component of the National Spatial Reference System. Each layer of zones shall be identified by the geodetic datum upon which they are defined and each zone shall remain uniquely and consistently defined throughout its implementation within a particular layer.

60.431. POSITION OR LOCATION, USE OF PLANE COORDINATE TO ESTABLISH. — The plane coordinate [values for] of a point on the earth's surface, to be used [to express the geographic] in expressing the position or location of [such] the point in the appropriate zone of [this system] the Missouri state plane coordinate system, shall consist of two distances expressed in [U.S. Survey Feet] feet and decimals of a foot [when using the Missouri coordinate system of 1927 and expressed in] or in meters and decimals of a meter [when using the Missouri coordinate system of 1983]. If values are expressed in feet, the International foot, which is equal to three thousand forty-eight ten-thousandths meter (0.3048 meter), shall be used as the standard foot for the Missouri state plane coordinate system. One of these distances, to be known as the "east x-coordinate", shall give the [position in an east-and-west direction] distance east of the y-axis; the other, to be known as the "north y-coordinate", shall give the [position in a north-and-south direction] distance north of the x-axis. The y-axis of any zone shall be parallel with the central meridian of that zone. The x-axis of any zone shall be at right angles to the central meridian of that zone. These coordinates shall [be made to] depend upon and conform to plane rectangular coordinate values [for the monumented points of the North American Horizontal Geodetic Control Network, as published by the National Ocean Survey/] as established, published, or broadcast by the National Geodetic Survey, or its successors, and whose plane coordinates have been computed on the systems defined in sections 60.401 to [60.481] 60.496. Any such station or method may be used for establishing a survey connection to [either] the Missouri state plane coordinate system.

60.441. DESCRIPTIONS INVOLVING MORE THAN ONE ZONE. — When any tract of land to be defined by a single description extends from one into another of the coordinate zones [set out in section 60.410], the positions of all points on its boundaries may be referred to as either of the zones and the zone which is used shall be specifically named in the description.

60.471. USE OF TERM LIMITED. — The use of the term "Missouri State Plane Coordinate System [of 1927" or "Missouri Coordinate System of 1983]"" on any map, report of survey, or other document shall be limited to coordinates based on the Missouri state plane coordinate system as defined in sections 60.401 to [60.491] 60.496.

60.480. PROPERTY DESCRIPTIONS BASED ON UNITED STATES PUBLIC LAND SURVEY RECOGNIZED. — Descriptions of tracts of land by reference to subdivisions, lines, or corners of the United States public land survey, or other original pertinent surveys, are hereby recognized as the basic and prevailing method for describing such tracts. Whenever coordinates of the Missouri state plane coordinate system are used in such descriptions they shall be construed as being supplementary to descriptions of such subdivisions, lines, or corners contained in official plats and field notes of record;

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Matter underscored is proposed language.

and, in the event of any conflict, the descriptions by reference to the subdivisions, lines, or corners of the United States public land surveys, or other original pertinent surveys shall prevail over the description by coordinates.

60.496. GEODETIC REFERENCE NETWORKS, USE OF PERMITTED. — The provisions of this chapter shall not be construed to prohibit the appropriate use of other geodetic reference networks.

60.510. POWERS AND DUTIES OF DEPARTMENT. — The functions, duties and responsibilities of the department of agriculture shall be as follows:

(1) To restore, maintain, and preserve the land survey monuments, section corners, and quarter section corners established by the United States public land survey within Missouri, together with all pertinent field notes, plats and documents; and also to restore, establish, maintain, and preserve Missouri state and county boundary markers and other boundary markers considered by the department of agriculture to be of importance, or otherwise established by law;

(2) To design and cause to be placed at established public land survey corner sites, where practical, substantial monuments permanently indicating, with words and figures, the exact location involved, but if such monuments cannot be placed at the exact corner point, then witness corners of similar design shall be placed as ~~[near by]~~ nearby as possible, with words and figures indicating the bearing and distance to the true corner;

(3) To establish, maintain, and provide safe storage facilities for a comprehensive system of recordation of information respecting all monuments established by the United States public land survey within this state, and such records as may be pertinent to the department of agriculture's establishment or maintenance of other land corners, Missouri state plane coordinate system stations and accessories, and survey monuments in general;

(4) To provide the framework for all geodetic positioning activities in the state. The foundational elements include latitude, longitude, and elevation which contribute to informed decision making and impact on a wide range of important activities including mapping and geographic information systems, flood risk determination, transportation, land use and ecosystem management and use of the Missouri state plane coordinate system, as established by sections 60.401 to ~~[60.491]~~ 60.496;

(5) To collect and preserve information obtained from surveys made by those authorized to establish land monuments or land boundaries, and to assist in the proper recording of the same by the duly constituted county officials, or otherwise;

(6) To furnish, upon reasonable request and tender of the required fees therefor, certified copies of records created or maintained by the department of agriculture which, when certified by the state land surveyor or a designated assistant, shall be admissible in evidence in any court in this state, as the original record; and

(7) To prescribe, and disseminate to those engaged in the business of land surveying, regulations designed to assist in uniform and professional surveying methods and standards in this state.

68.080. WATERWAYS AND PORTS TRUST FUND, USE OF MONEYS — PROJECT CRITERIA — TERMINATION DATE. — 1. There is hereby established in the state treasury the "Waterways and Ports Trust Fund". The fund shall consist of revenues appropriated to it by the general assembly.

2. The fund may also receive any gifts, contributions, grants, or bequests received from federal, private, or other sources.

3. The fund shall be a revolving trust fund exempt from the provisions of section 33.080 relating to the transfer of unexpended balances by the state treasurer to the general revenue fund of the state. All interest earned upon the balance in the fund shall be deposited to the credit of the fund.

4. Moneys in the fund shall be withdrawn only upon appropriation by the general assembly, to be administered by the state highways and transportation commission and the department of transportation.

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Matter underscored is proposed language.

in consultation with Missouri public ports, for the purposes in subsection 2 of section 68.035 and for no other purpose. To be eligible to receive an appropriation from the fund, a project shall be:

(1) A capital improvement project implementing physical improvements designed to improve commerce or terminal and transportation facilities on or adjacent to the navigable rivers of this state;

(2) Located on land owned or held in long term lease by a Missouri port authority, or within a navigable river adjacent to such land, and within the boundaries of a port authority;

(3) Funded by alternate sources so that moneys from the fund comprise no more than eighty percent of the cost of the project;

(4) Selected and approved by the highways and transportation commission, in consultation with Missouri public ports, to support a statewide plan for waterborne commerce, in accordance with subdivision (1) of section 68.065; and

(5) Capable of completion within two years of approval by the highways and transportation commission.

5. Appropriations made from the fund established in this section may be used as a local share in applying for other grant programs.

6. The provisions of this section shall terminate on August 28, 2033, pending the discharge of all warrants. On December 31, 2033, the fund shall be dissolved and the unencumbered balance shall be transferred to the general revenue fund.

135.772. HIGH ETHANOL — DEFINITIONS — SELLER TAX CREDIT AMOUNT, CLAIM PROCEDURE — RULES — SUNSET PROVISION. — 1. For the purposes of this section, the following terms shall mean:

(1) "Department", the Missouri department of revenue;

(2) "Distributor", a person, firm, or corporation doing business in this state that:

(a) Produces, refines, blends, compounds, or manufactures motor fuel;

(b) Imports motor fuel into the state; or

(c) Is engaged in distribution of motor fuel;

(3) "Higher ethanol blend", a fuel capable of being dispensed directly into motor vehicle fuel tanks for consumption that is comprised of at least fifteen percent but not more than eighty-five percent ethanol;

(4) "Retail dealer", a person, firm, or corporation doing business in this state that owns or operates a retail service station in this state;

(5) "Retail service station", a location in this state from which higher ethanol blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption.

2. For all tax years beginning on or after January 1, 2023, a retail dealer that sells higher ethanol blend at such retail dealer's retail service station or a distributor that sells higher ethanol blend directly to the final user located in this state shall be allowed a tax credit to be taken against the retail dealer's or distributor's state income tax liability. The amount of the credit shall equal five cents per gallon of higher ethanol blend sold by the retail dealer and dispensed through metered pumps at the retail dealer's retail service station or by a distributor directly to the final user located in this state during the tax year for which the tax credit is claimed. For any retail dealer or distributor with a tax year beginning prior to January 1, 2023, but ending during the 2023 calendar year, such retail dealer or distributor shall be allowed a tax credit for the amount of higher ethanol blend sold during the portion of such tax year that occurs during the 2023 calendar year. Tax credits authorized pursuant to this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall not be refundable but may be carried forward to any of the five subsequent tax years. The total amount of tax credits issued pursuant to this section for any given fiscal year shall not exceed five million dollars.

3. In the event the total amount of tax credits claimed under this section exceeds the amount of available tax credits, the tax credits shall be apportioned among all eligible retail dealers and distributors claiming a tax credit by April fifteenth, or as directed by section 143.851, of the fiscal year in which the tax credit is claimed.

4. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to 143.265, after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to implement the provisions of this section.

5. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after [the effective date of this section] January 2, 2023, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of this section shall automatically sunset on December 31, 2028, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

135.775. BIODIESEL BLEND — DEFINITIONS — SELLER TAX CREDIT, AMOUNT, PROCEDURE — RULES — SUNSET PROVISION. — 1. As used in this section, the following terms mean:

(1) "Biodiesel blend", a blend of diesel fuel and biodiesel fuel of at least five percent and not more than twenty percent for on-road and off-road diesel-fueled vehicle use;

(2) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock. A fuel shall be deemed to be biodiesel fuel if the fuel consists of a pure B100 or B99 ratio. Biodiesel produced from palm oil is not biodiesel fuel for the purposes of this section unless the palm oil is contained within waste oil and grease collected within the United States;

(3) "B99", a blend of ninety-nine percent biodiesel fuel that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock with a minimum of one-tenth of one percent and maximum of one percent diesel fuel that meets the most recent version of the ASTM International D975 Standard Specification for Diesel Fuel;

(4) "Department", the Missouri department of revenue;

(5) "Distributor", a person, firm, or corporation doing business in this state that:

(a) Produces, refines, blends, compounds, or manufactures motor fuel;

(b) Imports motor fuel into the state; or

(c) Is engaged in distribution of motor fuel;

(6) "Retail dealer", a person, firm, or corporation doing business in this state that owns or operates a retail service station in this state;

(7) "Retail service station", a location in this state from which biodiesel blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption at retail.

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Matter underscored is proposed language.

2. For all tax years beginning on or after January 1, 2023, a retail dealer that sells a biodiesel blend at a retail service station or a distributor that sells a biodiesel blend directly to the final user located in this state shall be allowed a tax credit to be taken against the retail dealer or distributor's state income tax liability. For any retail dealer or distributor with a tax year beginning prior to January 1, 2023, but ending during the 2023 calendar year, such retail dealer or distributor shall be allowed a tax credit for the amount of biodiesel blend sold during the portion of such tax year that occurs during the 2023 calendar year. The amount of the credit shall be equal to:

(1) Two cents per gallon of biodiesel blend of at least five percent but not more than ten percent sold by the retail dealer at a retail service station or by a distributor directly to the final user located in this state during the tax year for which the tax credit is claimed; and

(2) Five cents per gallon of biodiesel blend in excess of ten percent but not more than twenty percent sold by the retail dealer at a retail service station or by a distributor directly to the final user located in this state during the tax year for which the tax credit is claimed.

3. Tax credits authorized under this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall be refundable. The total amount of tax credits issued under this section for any given fiscal year shall not exceed sixteen million dollars.

4. In the event the total amount of tax credits claimed under this section exceeds the amount of available tax credits, the tax credits shall be apportioned among all eligible retail dealers and distributors claiming a tax credit by April fifteenth, or as directed by section 143.851, of the fiscal year in which the tax credit is claimed.

5. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to 143.265, after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to administer the provisions of this section.

6. [Notwithstanding any other provision of law to the contrary, if the maximum amount of tax credits authorized by this section are not claimed, the remaining amount of tax credits available to claim shall be applied to the tax credit in section 135.778 if the maximum amount of tax credits authorized by section 135.778 have been claimed.]

7.] Notwithstanding the provisions of section 32.057 to the contrary, the department may work with the division of weights and measures within the department of agriculture to validate that the biodiesel blend a retail dealer or distributor claims for the tax credit authorized under this section contains a sufficient percentage of biodiesel fuel.

[8.] 7. The department shall promulgate rules to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 2, 2023, shall be invalid and void.

[9.] 8. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2028, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The termination of the

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program as described in this subsection shall not be construed to preclude any qualified taxpayer who claims any benefit under any program that is sunset under this subsection from claiming such benefit for all allowable activities related to such claim that were completed before the program was sunset or to eliminate any responsibility of the department to verify the continued eligibility of qualified individuals receiving tax credits and to enforce other requirements of law that applied before the program was sunset.

135.778. BIODIESEL PRODUCER — DEFINITIONS — PRODUCER TAX CREDIT, AMOUNT, PROCEDURE — RULES — SUNSET PROVISION. — 1. For the purposes of this section, the following terms shall mean:

(1) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats and that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock. A fuel shall be deemed to be biodiesel fuel if the fuel consists of a pure B100 or B99 ratio. Biodiesel produced from palm oil is not biodiesel fuel for the purposes of this section unless the palm oil is contained within waste oil and grease collected within the United States;

(2) "B99", a blend of ninety-nine percent biodiesel fuel that meets the most recent version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend Stock with a minimum of one-tenth of one percent and maximum of one percent diesel fuel that meets the most recent version of the ASTM International D975 Standard Specification for Diesel Fuel;

(3) "Department", the Missouri department of revenue;

(4) "Missouri biodiesel producer", a person, firm, or corporation doing business in this state that produces biodiesel fuel in this state, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR Part 79, and has begun construction on such facility or has been selling biodiesel fuel produced at such facility on or before January 2, 2023.

2. For all tax years beginning on or after January 1, 2023, a Missouri biodiesel producer shall be allowed a tax credit to be taken against the producer's state income tax liability. For any Missouri biodiesel producer with a tax year beginning prior to January 1, 2023, but ending during the 2023 calendar year, such Missouri biodiesel producer shall be allowed a tax credit for the amount of biodiesel fuel produced during the portion of such tax year that occurs during the 2023 calendar year. The amount of the tax credit shall be two cents per gallon of biodiesel fuel produced by the Missouri biodiesel producer during the tax year for which the tax credit is claimed.

3. Tax credits authorized under this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall be refundable. The total amount of tax credits issued under this section for any given fiscal year shall not exceed [four] five million five hundred thousand dollars, which shall be authorized on a first-come, first-served basis.

4. [In the event the total amount of tax credits claimed under this section exceeds the amount of available tax credits, the tax credits shall be apportioned among all eligible Missouri biodiesel producers claiming the credit by April fifteenth, or as directed by section 143.851, of the fiscal year in which the tax credit is claimed.

5.] The tax credit authorized under this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to 143.265, after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to administer the provisions of this section.

[6. Notwithstanding any other provision of law to the contrary, if the maximum amount of tax credits authorized by this section are not claimed, the remaining amount of tax credits available to claim shall be applied to the tax credit in section 135.775 if the maximum amount of tax credits authorized by section 135.775 have been claimed.]

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Matter underscored is proposed language.

7.] 5. The department shall promulgate rules to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 2, 2023, shall be invalid and void.

[8.] 6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2028, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The termination of the program as described in this subsection shall not be construed to preclude any qualified taxpayer who claims any benefit under any program that is sunset under this subsection from claiming such benefit for all allowable activities related to such claim that were completed before the program was sunset, or to eliminate any responsibility of the department to verify the continued eligibility of qualified individuals receiving tax credits and to enforce other requirements of law that applied before the program was sunset.

143.022. DEDUCTION FOR BUSINESS INCOME — BUSINESS INCOME DEFINED — INCREASE IN PERCENTAGE OF SUBTRACTION, WHEN. — 1. As used in this section, "business income" means the income greater than zero arising from transactions in the regular course of all of a taxpayer's trade or business and shall be limited to the Missouri source net profit from the combination of the following:

(1) The total combined profit as properly reported to the Internal Revenue Service on each Schedule C, or its successor form, filed; **[and]**

(2) The total partnership and S corporation income or loss properly reported to the Internal Revenue Service on Part II of Schedule E, or its successor form;

(3) The total combined profit as properly reported to the Internal Revenue Service on each Schedule F, or its successor form, filed; and

(4) The total combined profit as properly reported to the Internal Revenue Service on each Form 4835, or its successor form, filed.

2. In addition to all other modifications allowed by law, there shall be subtracted from the federal adjusted gross income of an individual taxpayer a percentage of such individual's business income, to the extent that such amounts are included in federal adjusted gross income when determining such individual's Missouri adjusted gross income and are not otherwise subtracted or deducted in determining such individual's Missouri taxable income.

3. In the case of an S corporation described in section 143.471 or a partnership computing the deduction allowed under subsection 2 of this section, taxpayers described in subdivision (1) or (2) of this subsection shall be allowed such deduction apportioned in proportion to their share of ownership of the business as reported on the taxpayer's Schedule K-1, or its successor form, for the tax period for which such deduction is being claimed when determining the Missouri adjusted gross income of:

(1) The shareholders of an S corporation as described in section 143.471;

(2) The partners in a partnership.

4. The percentage to be subtracted under subsection 2 of this section shall be increased over a period of years. Each increase in the percentage shall be by five percent and no more than one increase shall occur in a calendar year. The maximum percentage that may be subtracted is twenty percent of business

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income. Any increase in the percentage that may be subtracted shall take effect on January first of a calendar year and such percentage shall continue in effect until the next percentage increase occurs. An increase shall only apply to tax years that begin on or after the increase takes effect.

5. An increase in the percentage that may be subtracted under subsection 2 of this section shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year by at least one hundred fifty million dollars.

6. The first year that a taxpayer may make the subtraction under subsection 2 of this section is 2017, provided that the provisions of subsection 5 of this section are met. If the provisions of subsection 5 of this section are met, the percentage that may be subtracted in 2017 is five percent.

143.121. MISSOURI ADJUSTED GROSS INCOME. — 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability pursuant to Public Law 116-136 or 116-260, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171. The amount added under this subdivision shall also not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability under any other federal law that provides direct economic impact payments to taxpayers to mitigate financial challenges related to the COVID-19 pandemic, and deducted from Missouri adjusted gross income under section 143.171;

(2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia;

(6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as amended, in the current taxable year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest received on deposits held at a federal reserve bank or interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area

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which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection;

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan;
- (i) Livestock Gross Margin Insurance Plan;

(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist; and

(12) One hundred percent of any retirement benefits received by any taxpayer as a result of the taxpayer's service in the Armed Forces of the United States, including reserve components and the National Guard of this state, as defined in 32 U.S.C. Sections 101(3) and 109, and any other military force organized under the laws of this state.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

10. (1) As used in this subsection, the following terms mean:

(a) "Beginning farmer", a taxpayer who:

a. Has filed at least one but not more than ten Internal Revenue Service Schedule F (Form 1040)

Profit or Loss From Farming forms since turning eighteen years of age;

b. Is approved for a beginning farmer loan through the USDA Farm Service Agency Beginning Farmer direct or guaranteed loan program;

c. Has a farming operation that is determined by the department of agriculture to be new production agriculture but is the principal operator of a farm and has substantial farming knowledge; or

d. Has been determined by the department of agriculture to be a qualified family member;

(b) "Farm owner", an individual who owns farmland and disposes of or relinquishes use of all or some portion of such farmland as follows:

a. A sale to a beginning farmer;

b. A lease or rental agreement not exceeding ten years with a beginning farmer; or

c. A crop-share arrangement not exceeding ten years with a beginning farmer;

(c) "Qualified family member", an individual who is related to a farm owner within the fourth degree by blood, marriage, or adoption and who is purchasing or leasing or is in a crop-share arrangement for land from all or a portion of such farm owner's farming operation.

(2) (a) In addition to all other subtractions authorized in this section, a taxpayer who is a farm owner who sells all or a portion of such farmland to a beginning farmer may subtract from such taxpayer's Missouri adjusted gross income an amount to the extent included in federal adjusted gross income as provided in this subdivision.

(b) Subject to the limitations in paragraph (c) of this subdivision, the amount that may be subtracted shall be equal to the portion of capital gains received from the sale of such farmland that such taxpayer receives in the tax year for which such taxpayer subtracts such capital gain.

(c) A taxpayer may subtract the following amounts and percentages per tax year in total capital gains received from the sale of such farmland under this subdivision:

- a. For the first two million dollars received, one hundred percent;
- b. For the next one million dollars received, eighty percent;
- c. For the next one million dollars received, sixty percent;
- d. For the next one million dollars received, forty percent; and
- e. For the next one million dollars received, twenty percent.

(d) The department of revenue shall prepare an annual report reviewing the costs and benefits and containing statistical information regarding the subtraction of capital gains authorized under this subdivision for the previous tax year including, but not limited to, the total amount of all capital gains subtracted and the number of taxpayers subtracting such capital gains. Such report shall be submitted before February first of each year to the committee on agriculture policy of the Missouri house of representatives and the committee on agriculture, food production and outdoor resources of the Missouri senate, or the successor committees.

(3) (a) In addition to all other subtractions authorized in this section, a taxpayer who is a farm owner who enters a lease or rental agreement for all or a portion of such farmland with a beginning farmer may subtract from such taxpayer's Missouri adjusted gross income an amount to the extent included in federal adjusted gross income as provided in this subdivision.

(b) Subject to the limitation in paragraph (c) of this subdivision, the amount that may be subtracted shall be equal to the portion of cash rent income received from the lease or rental of such farmland that such taxpayer receives in the tax year for which such taxpayer subtracts such income.

(c) No taxpayer shall subtract more than twenty-five thousand dollars per tax year in total cash rent income received from the lease or rental of such farmland under this subdivision.

(4) (a) In addition to all other subtractions authorized in this section, a taxpayer who is a farm owner who enters a crop-share arrangement on all or a portion of such farmland with a beginning farmer may subtract from such taxpayer's Missouri adjusted gross income an amount to the extent included in federal adjusted gross income as provided in this subdivision.

(b) Subject to the limitation in paragraph (c) of this subdivision, the amount that may be subtracted shall be equal to the portion of income received from the crop-share arrangement on such farmland that such taxpayer receives in the tax year for which such taxpayer subtracts such income.

(c) No taxpayer shall subtract more than twenty-five thousand dollars per tax year in total income received from the lease or rental of such farmland under this subdivision.

(5) The department of agriculture shall, by rule, establish a process to verify that a taxpayer is a beginning farmer for purposes of this section and shall provide verification to the beginning farmer and farm seller of such farmer's and seller's certification and qualification for the exemption provided in this subsection.

196.311. DEFINITIONS. — Unless otherwise indicated by the context, when used in sections 196.311 to 196.361:

(1) "Consumer" means any person who purchases eggs for **[his or her]** such person's own family use or consumption; or any restaurant, hotel, boardinghouse, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking, baking, or manufacturing their products;

(2) "Container" means any box, case, basket, carton, sack, bag, or other receptacle. "Subcontainer" means any container when being used within another container;

(3) "Dealer" means any person who purchases eggs from the producers thereof, or another dealer, for the purpose of selling such eggs to another dealer, a processor, or retailer;

(4) "Denatured" means eggs (a) made unfit for human food by treatment or the addition of a foreign substance, or (b) with one-half or more of the shell's surface covered by a permanent black, dark purple or dark blue dye;

(5) "Director" means the director of the department of agriculture;

(6) "Eggs" means the shell eggs of a domesticated chicken, turkey, duck, quail, goose, or guinea that are intended for human consumption;

(7) "Inedible eggs" means eggs which are defined as such in the rules and regulations of the director adopted under sections 196.311 to 196.361, which definition shall conform to the specifications adopted therefor by the United States Department of Agriculture;

(8) "Person" means and includes any individual, firm, partnership, exchange, association, trustee, receiver, corporation or any other business organization, and any member, officer or employee thereof;

(9) "Processor" means any person engaged in breaking eggs or manufacturing or processing egg liquids, whole egg meats, yolks, whites, or any mixture of yolks and whites, with or without the addition of other ingredients, whether chilled, frozen, condensed, concentrated, dried, powdered or desiccated;

(10) "Retailer" means any person who sells eggs to a consumer;

(11) "Sell" means offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

196.316. LICENSE REQUIREMENTS — APPLICATIONS — KINDS OF LICENSES — FEES — POSTING. — 1. All persons engaged in buying, selling, trading or trafficking in, or processing eggs, except those listed in section 196.313, shall be required to be licensed under sections 196.311 to 196.361. Such persons shall file an annual application for such license on forms to be prescribed by the director, and shall obtain an annual license for each separate place of business from the director. The following types of licenses shall be issued:

(1) A "retailer's license" shall be required of any person defined as a retailer in section 196.311. A holder of a retailer's license shall not, by virtue of such license, be permitted or authorized to buy eggs from any person other than a licensed dealer, and any retailer desiring to buy eggs from persons other than licensed dealers shall obtain a dealer's license in addition to a retailer's license. Fees for such license shall not exceed one hundred dollars annually per license;

(2) A "dealer's license" shall be required of any person defined as a dealer in section 196.311. A holder of a dealer's license shall not, by virtue of such license, be authorized or permitted to sell eggs to consumers, and any dealer desiring to sell eggs to consumers shall obtain a retailer's license in addition to a dealer's license. Fees for such license shall not exceed one hundred seventy-five dollars annually per license;

(3) A "processor's license" shall be required of any person defined as a processor in section 196.311. A holder of a processor's license shall not, by virtue of such license, be authorized or permitted to sell eggs in the shell to other persons, and any person desiring to sell eggs in the shell to other persons shall obtain a dealer's license in addition to a processor's license. Fees for such license shall not exceed two hundred fifty dollars annually per license.

[2. The annual license fee shall be:

(1)	Retailers	\$ 5.00
(2)	Dealers-License fees for dealers shall be determined on the basis of cases (30 dozen per case) of eggs sold in the shell in any one week, as follows:	
(a)	1 to 25 cases	\$ 5.00
(b)	26 to 50 cases	12.50

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Matter underscored is proposed language.

(c)	51 to 100 cases	25.00
(d)	more than 100 cases	50.00
(3)	Processors-License fees for processors shall be determined on the basis of cases (30 dozen per case) of eggs, or the equivalent in liquid or frozen eggs, processed in any one day, as follows:	
(a)	Less than 50 cases	\$ 25.00
(b)	More than 50 and less than 250 cases	50.00
(c)	More than 250 and less than 1000 cases	75.00
(d)	More than 1000 cases	100.00

2. The director of agriculture shall have the authority to assess egg licensing fees to assist in defraying operating expenses. A schedule of licensing fees shall be fixed by rule or regulation promulgated under chapter 536 by the director of the department of agriculture.

3. All licenses shall be conspicuously posted in the place of business to which it applies. The license year shall be twelve months, or any fraction thereof, beginning July first and ending June thirtieth.

4. No license shall be transferable, but it may be moved from one place to another by the consent of the director.

5. All moneys received from license fees collected hereunder shall be deposited in the state treasury to the credit of the agriculture protection fund created in section 261.200.

256.800. CITATION OF LAW — DEFINITIONS — FLOOD RESILIENCY IMPROVEMENT FUND ESTABLISHED, USE OF MONEYS — PROGRAM ESTABLISHED, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. This section shall be known and may be cited as the "Flood Resiliency Act".

2. As used in this section, unless the context otherwise requires, the following terms shall mean:

(1) "Director", the director of the department of natural resources;

(2) "Flood resiliency measures", structural improvements, studies, and activities employed to improve flood resiliency in local to regional or multi-jurisdictional areas;

(3) "Flood resiliency project", a project containing planning, design, construction, or renovation of flood resiliency measures or the conduct of studies or activities in support of flood resiliency measures;

(4) "Partner", a political subdivision, entity, or person working in conjunction with a promoter to facilitate the completion of a flood resiliency project;

(5) "Plan", a preliminary report describing the need for, and implementation of, flood resiliency measures;

(6) "Promoter", any political subdivision of the state, or any levee district or drainage district organized or incorporated in the state.

3. (1) There is hereby established in the state treasury a fund to be known as the "Flood Resiliency Improvement Fund", which shall consist of all moneys deposited in such fund from any source, whether public or private. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely for the purposes of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

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Matter underscored is proposed language.

(2) Upon appropriation, the department of natural resources shall use moneys in the fund created by this subsection for the purposes of carrying out the provisions of this section including, but not limited to, the provision of grants or other financial assistance and, if limitations or conditions are imposed, only upon such other limitations or conditions specified in the instrument that appropriates, grants, bequeaths, or otherwise authorizes the transmission of moneys to the fund.

4. In order to increase flood resiliency along the Missouri and Mississippi Rivers and their tributaries and improve statewide flood forecasting and monitoring ability, there is hereby established a "Flood Resiliency Program". The program shall be administered by the department of natural resources. The state may participate with a promoter in the development, construction, or renovation of a flood resiliency project if the promoter has a plan which has been submitted to and approved by the director, or the state may promote a flood resiliency project and initiate a plan on its own accord.

5. The plan shall include a description of the flood resiliency project, the need for the project, the flood resiliency measures to be implemented, the partners to be involved in the project, and other such information as the director may require to adequately evaluate the merit of the project.

6. The director shall only approve a plan upon a determination that long-term flood mitigation is needed in that area of the state and that such a plan proposes flood resiliency measures that will provide long-term flood resiliency.

7. Promoters with approved flood resiliency plans and their partners shall be eligible to receive any gifts, contributions, grants, or bequests from federal, state, private, or other sources for costs associated with flood resiliency projects that are part of such plans.

8. Promoters with approved flood resiliency plans and their partners may be granted moneys from the flood resiliency improvement fund under subsection 3 of this section for eligible costs associated with flood resiliency projects that are part of such plans.

9. The department of natural resources is hereby granted authority to promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

262.911. HARDWOOD PRODUCTS, PROMOTION OF — FUND CREATED, USE OF MONEYS — SUNSET PROVISION. — 1. The department of economic development shall promote Missouri hardwood forest products and educate the public on the value and benefits of such hardwood products. The department may contract with any statewide association dedicated to the promotion of Missouri hardwood forest products to satisfy the requirements of this section.

2. (1) There is hereby created in the state treasury the "Missouri Hardwood Forest Product Promotion Fund", which shall consist of any grants, gifts, devises, bequests, and moneys appropriated by the general assembly to the fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely to promote and educate about Missouri hardwood forest products as provided in this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

281.102. DELAYED EFFECTIVE DATE. — The enactment of section 281.048 and the repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 of this act shall become effective on January 1, [2024] 2025.

304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — TRANSPORT OF SPECIFIC ITEMS, TOTAL GROSS WEIGHT PERMITTED — REQUIREMENTS DURING DISASTERS — SPECIFIC VEHICLES, MAXIMUM WEIGHT. — 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise					
	Maximum load in pounds				
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			

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Matter underscored is proposed language.

More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500

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42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, 10, 12, 13, and 14 of this section.

7. Notwithstanding any provision of this section to the contrary, the commission shall issue a single-use special permit, or upon request of the owner of the truck or equipment shall issue an annual permit, for the transporting of any crane or concrete pump truck or well-drillers' equipment. The commission shall set fees for the issuance of permits and parameters for the transport of cranes pursuant to this subsection. Notwithstanding the provisions of section 301.133, cranes, concrete pump trucks, or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

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Matter underscored is proposed language.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the commission shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the department of transportation motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The commission shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

12. Notwithstanding any provision of this section to the contrary, emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear-drive steer axle; except that, such emergency vehicles shall only operate on the Dwight D. Eisenhower National System of Interstate and Defense Highways.

13. Notwithstanding any provision of this section to the contrary, a vehicle operated by an engine fueled primarily by natural gas may operate upon the public highways of this state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed eighty-two thousand pounds.

14. Notwithstanding any provision of law to the contrary, local log trucks and local log truck tractors, as defined in section 301.010, may be operated with a weight not exceeding twenty-two thousand four hundred pounds on one axle or a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, except the front steering axle shall not exceed fifteen thousand pounds or the gross vehicle weight rating set by the manufacturer, and may have a total weight of up to one hundred [five] nine thousand six hundred pounds. Provided however, when operating on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the radius from the forested site specified in section 301.010 with an extended distance local log truck permit, the vehicle shall not exceed the weight limits otherwise specified in this section.

323.100. INSPECTION OF LIQUID METERS — INACCURATE METERS CONDEMNED — FEE — REPORT — FEE SCHEDULE TO BE PUBLISHED. — 1. The director of the department of agriculture shall annually inspect and test all liquid meters used for the measurement and retail sale of liquefied petroleum gas and shall condemn all meters which are found to be inaccurate. All meters shall meet the tolerances and specifications of the National Institute of Standards and Technology Handbook 44, 1994 edition and supplements thereto. It is unlawful to use a meter for retail measurement and sale which has been condemned. All condemned meters shall be conspicuously marked "inaccurate", and the mark shall not be removed or defaced except upon authorization of the director of the department of agriculture or [his] the director's authorized representative. It is the duty of each person owning or in possession of a meter to pay to the director of the department of agriculture at the time of each test a testing fee [of ten dollars. On January 1, 2014, the testing fee shall be twenty-five dollars. On January 1, 2015, the testing fee shall be set at fifty dollars. On January 1, 2016, and annually thereafter,]. The director shall ascertain the total expenses for administering this section and shall set the testing fee at a rate to cover the expenses for the ensuing year but not to exceed [seventy-five] four hundred dollars.

2. On the first day of October, 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current testing fee, the expenses for administering this section for the previous calendar year, any proposed change to the testing fee, and estimated expenses for administering this section during the ensuing year. The proposed change to the testing fee shall not yield revenue greater than the total cost of administering this section during the ensuing year.

3. Beginning August 28, 2013, and each year thereafter, the director of the department of agriculture shall publish the testing fee schedule on the departmental website. The website shall be updated within thirty days of a change in the testing fee schedule set forth in this section.

340.341. ELIGIBILITY STANDARDS FOR LOAN REPAYMENT PROGRAM — RULEMAKING AUTHORITY. — 1. The department shall adopt and promulgate rules establishing standards for determining eligible students for loan repayment pursuant to sections 340.335 to 340.350. Such standards shall include, but are not limited to the following:

- (1) Citizenship or lawful permanent residency in the United States;
- (2) Residence in the state of Missouri;
- (3) Enrollment as a full-time veterinary medical student in the final year of a course of study offered by an approved educational institution in Missouri;
- (4) Application for loan repayment.

2. The department shall not grant repayment for more than [six] twelve veterinarians each year.

340.345. LOAN REPAYMENT TO INCLUDE PRINCIPAL, INTEREST AND RELATED EXPENSES — ANNUAL LIMIT. — 1. A loan payment provided for an individual pursuant to a written contract under the large animal veterinary medicine loan repayment program shall consist of payment on behalf of the individual of the principal, interest and related expenses on government and commercial loans

received by the individual for tuition, fees, books, laboratory and living expenses incurred by the individual.

2. For each year of obligated services that an individual contracts to serve in an area of defined need, the department may pay up to ~~twenty~~ thirty thousand dollars on behalf of the individual for loans described in subsection 1 of this section.

3. The department may enter into an agreement with the holder of the loans for which repayments are made under the large animal veterinary medicine loan repayment program to establish a schedule for the making of such payments if the establishment of such a schedule would result in reducing the costs to the state.

4. Any qualifying communities providing a portion of a loan repayment shall be considered first for placement.

340.381. PROGRAM AND FUND CREATED, USE OF MONEYS. — 1. Sections 340.381 to 340.396 establish a student loan forgiveness program for approved veterinary students who practice in areas of defined need. Such program shall be known as the "Dr. Merrill Townley and Dr. Dan Brown Large Animal Veterinary Student Loan Program".

2. There is hereby created in the state treasury the "Veterinary Student Loan Payment Fund", which shall consist of general revenue appropriated to the large animal veterinary student loan program, voluntary contributions to support or match program activities, money collected under section 340.396, any private grant, gift, donation, devise, or bequest of moneys, funds, real or personal property, or other assets, and funds received from the federal government. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of sections 340.381 to 340.396. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

340.384. APPLICATION PROCEDURE — AMOUNT OF AWARD — NUMBER OF APPLICANTS TO BE AWARDED. — 1. Eligible students may apply to the department for financial assistance under the provisions of sections 340.381 to 340.396. If, at the time of application for a loan, a student has formally applied for acceptance at the college, receipt of financial assistance is contingent upon acceptance and continued enrollment at the college. A qualified applicant may receive financial assistance up to ~~twenty~~ thirty thousand dollars for each academic year he or she remains a student in good standing at the college, provided that the cumulative total shall not exceed ~~eighty~~ one hundred twenty thousand dollars per qualified applicant. An eligible student may apply for financial assistance under this section at any point in his or her educational career at the college, however any such financial assistance shall only be awarded for current or future academic years, as applicable, and shall not be awarded for any academic year completed prior to the time of application.

2. Up to ~~six~~ twelve qualified applicants per academic year may be awarded loans under the provisions of sections 340.381 to 340.396. The department may increase beyond twelve the number of qualified applicants that may be awarded such loans per academic year if the amount of any additional moneys from private grants, gifts, donations, devises, or bequests of moneys, funds, real or personal property, or other assets deposited in the veterinary student loan payment fund allows the full funding of such increase in the number of applicants. Priority for loans shall be given to eligible students who have established financial need. All financial assistance shall be made from funds credited to the veterinary student loan payment fund.

340.387. CONTRACTS FOR ASSISTANCE — REPAYMENT — FORGIVENESS OF LOAN, WHEN.

— 1. The department of agriculture may enter into a contract with each qualified applicant receiving financial assistance under the provisions of sections 340.381 to 340.396. Such contract shall specify terms and conditions of loan forgiveness through qualified employment as well as terms and conditions for repayment of the principal and interest.

2. The department shall establish schedules for repayment of the principal and interest on any financial assistance made under the provisions of sections 340.381 to 340.396. Interest at a rate set by the department, with the advice of the advisory panel created in section [340.341] 340.375, shall be charged from the time of the payment of financial assistance on all financial assistance made under the provisions of sections 340.381 to 340.396, but the interest and principal of the total financial assistance granted to a qualified applicant at the time of the successful completion of a doctor of veterinary medicine degree program shall be forgiven through qualified employment.

3. For each year of qualified employment that an individual contracts to serve in an area of defined need, the department shall forgive up to [twenty] thirty thousand dollars and accrued interest thereon on behalf of the individual for financial assistance provided under sections 340.381 to 340.396.

413.225. FEES — AMOUNT — DUE WHEN, INSPECTION OR CALIBRATION, FAILURE TO PAY

FEE, EFFECT, PENALTY. — 1. There is established a fee for registration, inspection and calibration services performed by the division of weights and measures. The fees are due at the time the service is rendered and shall be paid to the director by the person receiving the service. The director shall collect fees according to the following schedule and shall deposit them with the state treasurer into the agriculture protection fund as set forth in section 261.200:

(1) [From August 28, 2013, until the next January first, laboratory fees for metrology calibrations shall be at the rate of sixty dollars per hour for tolerance testing or precision calibration. Time periods over one hour shall be computed to the nearest one-quarter hour. On the first day of January, 2014, and each year thereafter,] The director of agriculture shall ascertain the total receipts and expenses for the metrology calibrations during the preceding year and shall fix a fee schedule for the ensuing year [at a rate per hour] as will yield revenue not more than the total cost of operating the metrology laboratory during the ensuing year, but not to exceed [one hundred twenty-five] five hundred dollars per calibration;

(2) All device test fees charged shall include, but not be limited to, the following devices:

- (a) Small scales;
- (b) Vehicle scales;
- (c) Livestock scales;
- (d) Hopper scales;
- (e) Railroad scales;
- (f) Monorail scales;
- (g) In-motion scales including but not limited to vehicle, railroad and belt conveyor scales;
- (h) Taximeters;
- (i) [Timing devices;
- (j) Fabric-measuring devices;
- (k) Wire- and cordage-measuring devices;
- (l)] Milk for quantity determination;
- [m)] (j) Vehicle tank meters;
- [n)] (k) Compressed natural gas meters;
- [o)] (l) Liquefied natural gas meters;
- [p)] (m) Electrical charging stations; and
- [q)] (n) Hydrogen fuel meters;

(3) Devices that require participation in on-site field evaluations for National Type Evaluation Program Certification and all tests of in-motion scales shall be charged a fee, plus mileage from the inspector's official domicile to and from the inspection site. The time shall begin when the state inspector performing the inspection arrives at the site to be inspected and shall end when the final report is signed by the owner/operator and the inspector departs;

(4) Every person shall register each location of such person's place of business where devices or instruments are used to ascertain the moisture content of grains and seeds offered for sale, processing or storage in this state with the director and shall pay a registration fee for each location so registered and a fee for each additional device or instrument at such location. Thereafter, by January thirty-first of each year, each person who is required to register pursuant to this subdivision shall pay an annual fee for each location so registered and an additional fee for each additional machine at each location. The fee on newly purchased devices shall be paid within thirty days after the date of purchase. Application for registration of a place of business shall be made on forms provided by the director and shall require information concerning the make, model and serial number of the device and such other information as the director shall deem necessary. Provided, however, this subsection shall not apply to moisture-measuring devices used exclusively for the purpose of obtaining information necessary to manufacturing processes involving plant products. In addition to fees required by this subdivision, a fee shall be charged for each device subject to retest.

2. On the first day of January, 1995, and each year thereafter, the director of agriculture shall ascertain the total receipts and expenses for the testing of weighing and measuring devices referred to in subdivisions (2), (3), and (4) of subsection 1 of this section and shall fix the fees [or rate per hour] for such weighing and measuring devices to derive revenue not more than the total cost of the operation.

3. On the first day of October, 2014, and each year thereafter, the director of the department of agriculture shall submit a report to the general assembly that states the current laboratory fees for metrology calibration, the expenses for administering this section for the previous calendar year, any proposed change to the laboratory fee structure, and estimated expenses for administering this section during the ensuing year. The proposed change to the laboratory fee structure shall not yield revenue greater than the total cost of administering this section during the ensuing year.

4. Beginning August 28, 2013, and each year thereafter, the director of the department of agriculture shall publish the laboratory fee schedule on the departmental website. The website shall be updated within thirty days of a change in the laboratory fee schedule set forth in this section.

5. Retests for any device within the same calendar year will be charged at the same rate as the initial test. Devices being retested in the same calendar year as a result of rejection and repair are exempt from the requirements of this subsection.

6. All device inspection fees shall be paid at the time of service or within thirty days of the issuance of the original invoice. Any fee not paid within [ninety] thirty days after the date of the original invoice will be cause for the director to deem the device as incorrect and it may be condemned and taken out of service, and may be seized by the director until all fees are paid.

7. No fee provided for by this section shall be required of any person owning or operating a moisture-measuring device or instrument who uses such device or instrument solely in agricultural or horticultural operations on such person's own land, and not in performing services, whether with or without compensation, for another person.

[60.410. STATE DIVIDED INTO THREE ZONES — DESCRIPTIONS. — 1. For the purpose of the use of this system, Missouri is divided into three separate zones, to be officially known as "The East Zone", "The Central Zone", and "The West Zone".

2. The area now included in the following counties shall constitute the east zone: Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Pike,

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Matter underscored is proposed language.

Ralls, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis, St. Louis (city), Scott, Shannon, Stoddard, Warren, Washington and Wayne.

3. The area now included in the following counties shall constitute the central zone: Adair, Audrain, Benton, Boone, Callaway, Camden, Carroll, Chariton, Christian, Cole, Cooper, Dallas, Douglas, Greene, Grundy, Hickory, Howard, Howell, Knox, Laclede, Linn, Livingston, Macon, Maries, Mercer, Miller, Moniteau, Monroe, Morgan, Osage, Ozark, Pettis, Phelps, Polk, Pulaski, Putnam, Randolph, Saline, Schuyler, Scotland, Shelby, Stone, Sullivan, Taney, Texas, Webster and Wright.

4. The area now included in the following counties shall constitute the west zone: Andrew, Atchison, Barry, Barton, Bates, Buchanan, Caldwell, Cass, Cedar, Clay, Clinton, Dade, Daviess, DeKalb, Gentry, Harrison, Henry, Holt, Jackson, Jasper, Johnson, Lafayette, Lawrence, McDonald, Newton, Nodaway, Platte, Ray, St. Clair, Vernon and Worth.]

[60.421. ZONES, OFFICIAL NAMES. — 1. As established for use in the east zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, East Zone" or "Missouri Coordinate System of 1983, East Zone".

2. As established for use in the central zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, Central Zone" or "Missouri Coordinate System of 1983, Central Zone".

3. As established for use in the west zone, the Missouri coordinate system of 1927 or the Missouri coordinate system of 1983 shall be named; and, in any land description in which it is used, it shall be designated the "Missouri Coordinate System of 1927, West Zone" or "Missouri Coordinate System of 1983, West Zone".]

[60.451. MISSOURI COORDINATE SYSTEM ZONES PRECISELY DEFINED. — 1. For the purpose of more precisely defining the Missouri coordinate system of 1927, the following definition by the United States Coast and Geodetic Survey is adopted:

(1) The Missouri coordinate system of 1927, east zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 90 degrees - 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees - 30 minutes west of Greenwich and the parallel 35 degrees - 50 minutes north latitude. This origin is given the coordinates: $x = 500,000$ feet and $y = 0$ feet;

(2) The Missouri coordinate system of 1927, central zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 92 degrees - 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees - 30 minutes west of Greenwich and the parallel of 35 degrees - 50 minutes north latitude. This origin is given the coordinates: $x = 500,000$ feet and $y = 0$ feet;

(3) The Missouri coordinate system of 1927, west zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 94 degrees - 30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees - 30 minutes west of Greenwich and the parallel 36 degrees - 10 minutes north latitude. This origin is given the coordinates: $x = 500,000$ feet and $y = 0$ feet.

2. For purposes of more precisely defining the Missouri coordinate system of 1983, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:

(1) The Missouri coordinate system 1983, east zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 90 degrees - 30 minutes west of Greenwich,

on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees - 30 minutes west of Greenwich and the parallel 35 degrees - 50 minutes north latitude. This origin is given the coordinates: $x = 250,000$ meters and $y = 0$ meters;

(2) The Missouri coordinate system 1983, central zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 92 degrees - 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees - 30 minutes west of Greenwich and the parallel of 35 degrees - 50 minutes north latitude. This origin is given the coordinates: $x = 500,000$ meters and $y = 0$ meters;

(3) The Missouri coordinate system 1983, west zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 94 degrees - 30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees - 30 minutes west of Greenwich and the parallel 36 degrees - 10 minutes north latitude. This origin is given the coordinates: $x = 850,000$ meters and $y = 0$ meters.

3. The position of either Missouri coordinate system shall be as marked on the ground by horizontal control stations established in conformity with the standards adopted by the department of agriculture for first-order and second-order work, whose geodetic positions have been rigidly adjusted on the appropriate datum and whose coordinates have been computed on the system defined in this section. Any such station may be used for establishing a survey connection with the Missouri coordinate system.]

[60.491. MISSOURI COORDINATE SYSTEM OF 1983 TO BE SOLE SYSTEM AFTER JULY 1990.

— The Missouri coordinate system of 1927 shall not be used after July, 1990; and the Missouri coordinate system of 1983 shall be the sole system after this date.]

[195.203. INDUSTRIAL HEMP, AUTHORIZATION TO GROW, HARVEST, CULTIVATE, AND PROCESS WITH VALID REGISTRATION. — Notwithstanding any other provision of this chapter or chapter 579 to the contrary, any person who has a valid industrial hemp registration as provided under section 195.746 may grow, harvest, cultivate, and process industrial hemp, as defined in section 195.010, in accordance with the requirements of such sections.]

[195.740. DEFINITIONS. — For the purposes of sections 195.740 to 195.773, the following terms shall mean:

(1) "Agricultural hemp propagule", any viable nonseed plant material used to cultivate industrial hemp including, but not limited to, transplants, cuttings, and clones;

(2) "Agricultural hemp seed", *Cannabis sativa* L. seed that meets any labeling, quality, or other standards set by the department of agriculture and that is intended for sale, is sold to, or is purchased by registered producers for planting;

(3) "Crop", industrial hemp grown under a single registration;

(4) "Department", the Missouri department of agriculture;

(5) "Indoor cultivation facility", any greenhouse or enclosed building or structure capable of continuous cultivation throughout the year that is not a residential building;

(6) "Industrial hemp plant monitoring system", a reporting system that includes, but is not limited to, testing, transfer reports, and data collection maintained by a producer or agricultural hemp propagule and seed permit holder and available to the department for purposes of monitoring viable industrial hemp cultivated as an agricultural product from planting to final sale or transfer as a publicly marketable hemp product;

(7) "Nonviable", plant material or agricultural hemp seed that is not capable of living or growing;

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- (8) "Produce", the cultivation and harvest of viable industrial hemp;
- (9) "Producer", a person who is a Missouri resident, or an entity that is domiciled in this state, who grows or produces viable industrial hemp;
- (10) "Publicly marketable product", any nonviable hemp material, including seed, stem, root, leaf, or floral material, that contains no material with a delta-9 tetrahydrocannabinol concentration exceeding three-tenths of one percent on a dry weight basis.]

[195.743. VIABLE INDUSTRIAL HEMP IS AN AGRICULTURAL PRODUCT SUBJECT TO REGULATION BY DEPARTMENT. — Viable industrial hemp shall be an agricultural product that is subject to regulation by the department, including compliance with an industrial hemp plant monitoring system.]

[195.746. REGISTRATION AND PERMITS, REQUIREMENTS — APPLICATION, CONTENTS — ISSUANCE, WHEN. — 1. Any producer of industrial hemp shall obtain a registration from the department. Any producer of agricultural hemp shall ensure that all agricultural hemp propagules and agricultural hemp seed comply with any standards established by the department.

2. Any person who sells, distributes, or offers for sale any agricultural hemp propagule or agricultural hemp seed in the state shall obtain an agricultural hemp propagule and seed permit from the department. An agricultural hemp propagule and seed permit shall authorize a permit holder to sell, distribute, or offer for sale agricultural hemp propagules or agricultural hemp seed to registered producers or other permit holders. A permit holder is exempt from requirements in chapter 266 if he or she only sells, distributes, or offers for sale agricultural hemp propagules or agricultural hemp seed.

3. An application for an industrial hemp registration or agricultural hemp propagule and seed permit shall include:

- (1) The name and address of the applicant;
- (2) The name and address of the industrial hemp or agricultural hemp propagule or seed operation;
- (3) For any industrial hemp registration, the global positioning system coordinates and legal description for the property used for the industrial hemp operation;
- (4) The application fee, as determined by the department, in an amount sufficient to cover the administration, regulation, and enforcement costs associated with sections 195.740 to 195.773; and
- (5) Any other information the department deems necessary.

4. The department shall issue a registration under this section to an applicant who meets the requirements of this section and section 195.749 and who satisfactorily completes a state and federal fingerprint criminal history background check under section 43.543. The department may charge an applicant an additional fee for the cost of the fingerprint criminal history background check in addition to the registration fee. If required by federal law, the department shall require an applicant for an agricultural hemp propagule and seed permit to comply with the fingerprint criminal history background check requirements of this subsection.

5. Upon issuance of a registration or permit, information regarding all producers and permit holders shall be forwarded to the Missouri state highway patrol.

6. An industrial hemp registration or agricultural hemp propagule and seed permit is:

- (1) Nontransferable, except such registration or permit may be transferred to a person who otherwise meets the requirements of a registrant or permit holder, and the person may operate under the existing registration or permit until the registration or permit expires, at which time the renewal shall reflect the change of the registrant or permit holder;
- (2) Valid for a three-year term unless revoked by the department; and
- (3) Renewable as determined by the department, if the registrant or permit holder is found to be in good standing.

7. Each individual parcel of ground or indoor cultivation facility with a separate legal description shall be required to obtain a separate registration unless the parcels are contiguous and owned by the same person of record.]

[195.749. REGISTRATION AND PERMIT, REVOCATION, REFUSAL TO ISSUE, REFUSAL TO RENEW, WHEN — PENALTY, AMOUNT. — 1. The department may revoke, refuse to issue, or refuse to renew an industrial hemp registration or agricultural hemp propagule and seed permit and may impose a civil penalty of not less than five hundred dollars or more than fifty thousand dollars for violation of:

- (1) A registration or permit requirement, term, or condition;
- (2) Department rules relating to the production of industrial hemp or an agricultural hemp propagule and seed permit;
- (3) Any industrial hemp plant monitoring system requirement; or
- (4) A final order of the department that is specifically directed to the producer or permit holder's industrial hemp operations or activities.

2. A registration or permit shall not be issued to a person who in the ten years immediately preceding the application date has been found guilty of, or pled guilty to, a felony offense under any state or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a controlled substance.

3. The department may revoke, refuse to issue, or refuse to renew an industrial hemp registration or agricultural hemp propagule and seed permit for failing to comply with any provision of this chapter, or for a violation of any department rule relating to agricultural operations or activities other than industrial hemp production.]

[195.752. ADMINISTRATIVE FINE, WHEN, AMOUNT. — 1. Any person producing industrial hemp who does not have a valid industrial hemp registration issued under section 195.746 may be subject to an administrative fine of five hundred dollars and may be fined one thousand dollars per day until such person destroys the industrial hemp crop. The Missouri state highway patrol shall certify such destruction to the department.

2. Any person selling, distributing, or offering for sale any agricultural hemp propagule or agricultural hemp seed in the state who does not have a valid agricultural hemp propagule and seed permit issued under section 195.746 may be subject to an administrative fine of five hundred dollars and may be fined one thousand dollars per day until such person obtains a valid permit.]

[195.756. PESTICIDES AND AGRICULTURAL CHEMICALS, USE OF — LIMITATIONS ON LIABILITY. — Notwithstanding sections 281.050 and 281.101 to the contrary, in the production of industrial hemp consistent with sections 195.740 to 195.773, no retailer of pesticides as defined in 7 U.S.C. Section 136, or agricultural chemicals shall be liable for the sale, application, or handling of such products by a producer or applicator in any manner or for any purpose not approved by applicable state and federal agencies. No producer or applicator may use or apply pesticides or agricultural chemicals in the growing or handling of industrial hemp except as approved by state and federal law.]

[195.758. MONITORING SYSTEM, RECORDKEEPING REQUIREMENTS — INSPECTIONS, WHEN — DESTRUCTION OF CROP, WHEN — AERIAL SURVEILLANCE — COORDINATION WITH LOCAL LAW ENFORCEMENT — NONVIABLE HEMP NOT SUBJECT TO REGULATION. — 1. Every producer or permit holder shall be subject to an industrial hemp plant monitoring system and shall keep industrial hemp crop and agricultural hemp propagule and seed records as required by the department. The department may require an inspection or audit during any normal business hours for the purpose of ensuring compliance with:

- (1) Any provision of sections 195.740 to 195.773;
 - (2) Department rules and regulations;
 - (3) Industrial hemp registration or agricultural hemp propagule and seed permit requirements, terms, or conditions;
 - (4) Any industrial hemp plant monitoring system requirement; or
 - (5) A final department order directed to the producer's or permit holder's industrial hemp or agricultural hemp propagule and seed operations or activities.
2. In addition to any inspection conducted under subsection 1 of this section, the department may inspect any industrial hemp crop during the crop's growth phase and take a representative sample for field analysis. If a crop contains an average delta-9 tetrahydrocannabinol concentration exceeding three-tenths of one percent or the maximum concentration allowed under federal law, whichever is greater, on a dry weight basis, the department may retest the crop. If the second test indicates that a crop contains an average delta-9 tetrahydrocannabinol concentration exceeding three-tenths of one percent or the maximum concentration allowed under federal law, whichever is greater, on a dry weight basis, the department may order any producer to destroy the crop.
3. If such crop is not destroyed within fifteen days of the producer being notified by the department by certified mail that the crop contains concentrations exceeding those set forth in subsection 2 of this section, and directing the producer to destroy the crop, such producer shall be subject to a fine of five thousand dollars per day until such crop is destroyed. No such penalty or fine shall be imposed prior to the expiration of the fifteen-day notification period.
4. The Missouri state highway patrol may, at its own expense, perform aerial surveillance to ensure illegal industrial hemp plants are not being cultivated on or near legal, registered industrial hemp plantings.
5. The Missouri state highway patrol may coordinate with local law enforcement agencies to certify the destruction of illegal industrial hemp plants.
6. The department shall notify the Missouri state highway patrol and local law enforcement agencies of the need to certify that a crop of industrial hemp deemed illegal through field analysis has been destroyed.
7. Unless required by federal law, the department shall not regulate the sale or transfer of nonviable hemp including, but not limited to, stripped stalks, fiber, dried roots, nonviable leaf material, nonviable floral material, nonviable seeds, seed oils, floral and plant extracts, unadulterated forage, and other marketable agricultural hemp products to members of the general public both within and outside the state.]

[195.764. FEES, AMOUNT, USE OF — FUND CREATED. — 1. The department may charge producers and permit holders reasonable fees as determined by the department for the purposes of administering sections 195.740 to 195.773. Fees charged for purposes of administering sections 195.740 to 195.773 shall only be used to administer such sections, and shall not provide additional revenue for the department to use to administer any other program or provide staff to the department for any other program. All fees collected under sections 195.740 to 195.773 shall be deposited in the industrial hemp fund created under this section for use by the department to administer sections 195.740 to 195.773.

2. There is hereby created in the state treasury the "Industrial Hemp Fund", which shall consist of any grants, gifts, donations, bequests, or money collected under sections 195.740 to 195.773. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of agriculture for the purpose of administering such sections, including reimbursing the Missouri state highway patrol for the enforcement of such sections. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the

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Matter underscored is proposed language.

biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.]

[195.767. RESEARCH AND STUDY OF INDUSTRIAL HEMP BY INSTITUTIONS OF HIGHER EDUCATION PERMITTED, REGISTRATION AND PERMIT NOT REQUIRED. — An institution of higher education may engage in the research and study of the growth, cultivation, or marketing of industrial hemp as authorized by Section 7606 of the federal Agricultural Act of 2014, Pub. L. 113-79, or any successor law. Institutions of higher education shall not be required to obtain a registration for the production of industrial hemp from the department as set forth in sections 195.746 and 195.749.]

[195.773. DEPARTMENT DUTIES — RULEMAKING AUTHORITY. — 1. The department of agriculture shall execute its responsibilities relating to the cultivation of industrial hemp in the most cost-efficient manner possible, including in establishing permit and registration fees. For the purpose of testing industrial hemp for pesticides, the department shall explore the option of transporting samples from Missouri to departments of agriculture or testing laboratories in contiguous states, which participate in an agricultural pilot program authorized by the federal Agricultural Act of 2014, or any state program authorized by successor federal law. All transport between states shall be in compliance with the federal Agricultural Act of 2014, or any successor federal law, as well as any other applicable state and federal law.

2. The department shall promulgate rules necessary to administer the provisions of sections 195.740 to 195.773. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.]

[261.265. LICENSE ISSUANCE, TO WHOM — GROWER MAY PRODUCE, MANUFACTURE, AND DISTRIBUTE, WHEN — RECORDKEEPING — INSPECTIONS — RULEMAKING — CIVIL PENALTY. — 1. For purposes of this section, the following terms shall mean:

(1) "Cannabidiol oil care center", the premises specified in an application for a cultivation and production facility license in which the licensee is authorized to distribute processed hemp extract to persons possessing a hemp extract registration card issued under section 192.945;

(2) "Cultivation and production facility", the land and premises specified in an application for a cultivation and production facility license on which the licensee is authorized to grow, cultivate, process, and possess hemp and hemp extract;

(3) "Cultivation and production facility license", a license that authorizes the licensee to grow, cultivate, process, and possess hemp and hemp extract, and distribute hemp extract to its cannabidiol oil care centers;

(4) "Department", the department of agriculture;

(5) "Grower", a nonprofit entity issued a cultivation and production facility license by the department of agriculture that produces hemp extract for the treatment of intractable epilepsy;

(6) "Hemp":

(a) All nonseed parts and varieties of the cannabis sativa plant, whether growing or not, that contain a crop-wide average tetrahydrocannabinol (THC) concentration that does not exceed the lesser of:

a. Three-tenths of one percent on a dry weight basis; or

b. The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801, et seq.;

(b) Any cannabis sativa seed that is:

a. Part of a growing crop;

b. Retained by a grower for future planting; or

c. For processing into or use as agricultural hemp seed.

This term shall not include industrial hemp commodities or products;

(7) "Hemp monitoring system", an electronic tracking system that includes, but is not limited to, testing and data collection established and maintained by the cultivation and production facility and is available to the department for the purposes of documenting the hemp extract production and retail sale of the hemp extract.

2. The department shall issue a cultivation and production facility license to a nonprofit entity to grow or cultivate the cannabis plant used to make hemp extract as defined in subsection 1 of section 195.207 or hemp on the entity's property if the entity has submitted to the department an application as required by the department under subsection 7 of this section, the entity meets all requirements of this section and the department's rules, and there are fewer than two licensed cultivation and production facilities operating in the state.

3. A grower may produce and manufacture hemp and hemp extract, and distribute hemp extract as defined in section 195.207 for the treatment of persons suffering from intractable epilepsy as defined in section 192.945 consistent with any and all state or federal regulations regarding the production, manufacture, or distribution of such product. The department shall not issue more than two cultivation and production facility licenses for the operation of such facilities at any one time.

4. The department shall maintain a list of growers.

5. All growers shall keep records in accordance with rules adopted by the department. Upon at least three days' notice, the director of the department may audit the required records during normal business hours. The director may conduct an audit for the purpose of ensuring compliance with this section.

6. In addition to an audit conducted in accordance with subsection 5 of this section, the director may inspect independently, or in cooperation with the state highway patrol or a local law enforcement agency, any hemp crop during the crop's growth phase and take a representative composite sample for field analysis. If a crop contains an average tetrahydrocannabinol (THC) concentration exceeding the lesser of:

(1) Three-tenths of one percent on a dry weight basis; or

(2) The percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801, et seq.,

the director may detain, seize, or embargo the crop.

7. The department shall promulgate rules including, but not limited to:

(1) Application requirements for licensing, including requirements for the submission of fingerprints and the completion of a criminal background check;

(2) Security requirements for cultivation and production facility premises, including, at a minimum, lighting, physical security, video and alarm requirements;

(3) Rules relating to hemp monitoring systems as defined in this section;

(4) Other procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications of the premises;

(5) Requirements that any hemp extract received from a legal source be submitted to a testing facility designated by the department to ensure that such hemp extract complies with the provisions of section 195.207 and to ensure that the hemp extract does not contain any pesticides. Any hemp extract that is not submitted for testing or which after testing is found not to comply with the provisions of

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Matter underscored is proposed language.

section 195.207 shall not be distributed or used and shall be submitted to the department for destruction; and

(6) Rules regarding the manufacture, storage, and transportation of hemp and hemp extract, which shall be in addition to any other state or federal regulations.

8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 14, 2014.

9. All hemp waste from the production of hemp extract shall either be destroyed, recycled by the licensee at the hemp cultivation and production facility, or donated to the department or an institution of higher education for research purposes, and shall not be used for commercial purposes.

10. In addition to any other liability or penalty provided by law, the director may revoke or refuse to issue or renew a cultivation and production facility license and may impose a civil penalty on a grower for any violation of this section, or section 192.945 or 195.207. The director may not impose a civil penalty under this section that exceeds two thousand five hundred dollars.]

Approved July 6, 2023

CCS SS SB 139

Enacts provisions relating to state designations.

AN ACT to repeal sections 9.138, 226.1150, 227.297, and 227.299, RSMo, and to enact in lieu thereof twenty new sections relating to state designations.

SECTION

A Enacting clause.

- 9.138 Science, technology, engineering, and math (STEM) week designated — governor to proclaim.
- 9.368 State legislature remembrance month designated for January.
- 9.369 Women Veterans appreciation day designated for June 12.
- 9.371 Breast cancer awareness day designated for first Saturday of October.
- 9.372 Domestic violence awareness day designated for third Saturday in October.
- 9.373 Albert Pujols day designated for January 16.
- 9.374 Shelley v. Kraemer day designated for May 3.
- 9.377 K.C. Wolf day designated for November 23.
- 9.378 Lloyd Gaines day designated for March 19.
- 9.379 Asian and Pacific Islander Heritage month designated for May.
- 9.387 Baker service appreciation day designated for April 16.
- 10.246 Hawken rifle, official state rifle.
- 10.247 UFO Capitals of Missouri, city of Piedmont and county of Wayne.
- 226.1150 German Heritage Corridor of Missouri designated for certain counties located along the Missouri River — signage.
- 226.1160 Stars and Stripes Historic Region of Missouri designated for counties — signage.
- 227.296 FA Paul Akers Jr and LCPL Jared Schmitz memorial sign funding act — no fees for highway designations for members of the Armed Forces.

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- 227.297 Heroes Way designation program established — signage — application procedure — joint committee to review applications.
- 227.299 Memorial bridge or highway designations, procedure — notice requirements — signs to be erected — multiple designations prohibited — time period of designation.
- 227.822 Don Welge memorial bridge designated for portion of new bridge on State Highway 51 in Perry County.
- 227.834 Major Lee Berra memorial highway designated for a portion of I-64 in St. Louis County.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 9.138, 226.1150, 227.297, and 227.299, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 9.138, 9.368, 9.369, 9.371, 9.372, 9.373, 9.374, 9.377, 9.378, 9.379, 9.387, 10.246, 10.247, 226.1150, 226.1160, 227.296, 227.297, 227.299, 227.822, and 227.834, to read as follows:

9.138. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) WEEK DESIGNATED — governor to proclaim. — The governor shall annually issue a proclamation setting apart the first week of March as ["Math, Engineering, Technology and Science (METS) Week"] "Science, Technology, Engineering, and Math (STEM) Week", and recommending to the people of the state that the week be appropriately observed through activities that will result in an increased awareness of the importance of advancing community interest in [math, engineering, technology, and science] science, technology, engineering, and math programs, and promote [METS] STEM careers statewide in order to advance Missouri's workforce. The proclamation shall also recommend that the week be observed with appropriate activities in public schools. Public and private involvement in [METS] STEM week demonstrates that fostering and encouraging interest in the sciences is a major factor in determining growth and success in school and will help students develop a focus on technology-based careers after graduation.

9.368. STATE LEGISLATURE REMEMBRANCE MONTH DESIGNATED FOR JANUARY. — The month of January each year shall be known as "State Legislator Remembrance Month" in memory of all state legislators who died while in office. Citizens of this state are encouraged to participate in appropriate events and activities to recognize those who lost their life while serving in the general assembly.

9.369. WOMEN VETERANS APPRECIATION DAY DESIGNATED FOR JUNE 12. — June twelfth of each year is hereby designated as "Women Veterans Appreciation Day". Citizens of this state are encouraged to engage in appropriate events and activities to recognize and address disparities in care, recognition, and benefits that our women veterans receive; to highlight the growing presence of women in the Armed Forces and the National Guard; and to pay respect to women veterans for their dutiful military service.

9.371. BREAST CANCER AWARENESS DAY DESIGNATED FOR FIRST SATURDAY OF OCTOBER. — The first Saturday of October of each year is hereby designated as "Breast Cancer Awareness Day" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to raise awareness and celebrate survivors of breast cancer, the most commonly occurring cancer among women in the United States.

9.372. DOMESTIC VIOLENCE AWARENESS DAY DESIGNATED FOR THIRD SATURDAY IN OCTOBER. — The third Saturday of October of each year is hereby designated as "Domestic Violence

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter underscored is proposed language.

Awareness Day" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to bring awareness to domestic violence and its impacts on individuals regardless of race, ethnicity, gender, religion, or socioeconomic status.

9.373. ALBERT PUJOLS DAY DESIGNATED FOR JANUARY 16. — January sixteenth each year is hereby designated as "Albert Pujols Day" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to celebrate the legendary St. Louis Cardinals first baseman who retired in 2022 with more than three thousand career hits and more than seven hundred career home runs.

9.374. SHELLEY V. KRAEMER DAY DESIGNATED FOR MAY 3. — May third each year is hereby designated as "Shelley v. Kraemer Day" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to recognize the historical impact of the United States Supreme Court case originating in St. Louis that held racially restrictive covenants in residential neighborhoods are not enforceable in state court.

9.377. K.C. WOLF DAY DESIGNATED FOR NOVEMBER 23. — November twenty-third each year is hereby designated as "K.C. Wolf Day" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to celebrate the mascot of the Kansas City Chiefs football team.

9.378. LLOYD GAINES DAY DESIGNATED FOR MARCH 19. — March nineteenth is hereby designated as "Lloyd Gaines Day" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to remember Gaines and his important role in the early twentieth century civil rights movement. Gaines was denied admission to the University of Missouri School of Law and won his court case requiring the state to admit him or establish a second law school for black students. The state opted to establish a second law school, but Gaines went missing before he could enroll.

9.379. ASIAN AND PACIFIC ISLANDER HERITAGE MONTH DESIGNATED FOR MAY. — The month of May is hereby designated as "Asian and Pacific Islander Heritage Month" in Missouri. The citizens of this state are encouraged to participate in appropriate events and activities to recognize the generations of Asian and Pacific Islander Americans who have positively influenced and enriched our state and society.

9.387. BAKER SERVICE APPRECIATION DAY DESIGNATED FOR APRIL 16. — April sixteenth of each year is hereby designated as "Baker Service Appreciation Day". The citizens of this state are encouraged to participate in appropriate events and activities to honor the memories of David and Brian Baker and their lives of service to others.

10.246. HAWKEN RIFLE, OFFICIAL STATE RIFLE. — The Hawken rifle, a muzzle-loading rifle first manufactured in St. Louis and widely used by fur trappers, traders, and explorers in the early to mid-nineteenth century, is selected for and shall be known as the official state rifle of the state of Missouri.

10.247. UFO CAPITALS OF MISSOURI, CITY OF PIEDMONT AND COUNTY OF WAYNE. — The city of Piedmont and the county of Wayne are hereby selected for and shall be known as the "UFO Capitals of Missouri". Hundreds of UFO sightings occurred in Piedmont and Wayne County, Missouri, between February and April 1973. These incidents were part of a large pattern of UFO sightings throughout the United States in 1973.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

226.1150. GERMAN HERITAGE CORRIDOR OF MISSOURI DESIGNATED FOR CERTAIN COUNTIES LOCATED ALONG THE MISSOURI RIVER — SIGNAGE. — The counties located along the Missouri River that were greatly influenced by early German settlers including Boone, Chariton, Saline, Lafayette, Cooper, Howard, Moniteau, Cole, Callaway, Osage, Gasconade, Montgomery, Warren, Franklin, St. Charles, [and] St. Louis, and Perry, and the City of St. Louis, shall be designated the "German Heritage Corridor of Missouri". The department of transportation may place suitable markings and informational signs in the designated areas. Costs for such designation shall be paid by private donations.

226.1160. STARS AND STRIPES HISTORIC REGION OF MISSOURI DESIGNATED FOR COUNTIES — SIGNAGE. — The region of southeast Missouri that includes the South County area of St. Louis county and the counties of Jefferson, Franklin, Crawford, Dent, Shannon, Oregon, Ste. Genevieve, Washington, St. Francois, Madison, Iron, Perry, Wayne, Reynolds, Bollinger, Cape Girardeau, Scott, Mississippi, Stoddard, Ripley, Butler, Carter, New Madrid, Pemiscot, and Dunklin shall be designated the "Stars and Stripes Historic Region of Missouri". The department of transportation may place suitable markings and informational signs in the designated areas. Costs for such designation shall be paid by private donation.

227.296. FA PAUL AKERS JR AND LCPL JARED SCHMITZ MEMORIAL SIGN FUNDING ACT — NO FEES FOR HIGHWAY DESIGNATIONS FOR MEMBERS OF THE ARMED FORCES. — 1. This section shall be known as the "FA Paul Akers Jr and LCPL Jared Schmitz Memorial Sign Funding Act".

2. Notwithstanding any provision of law to the contrary, beginning August 28, 2023, for designations on the state highway system honoring members of the Armed Forces killed in the line of duty, members of the Armed Forces who are missing in action, Missouri recipients of the medal of honor, emergency personnel killed while performing duties relating to their employment, or state employees killed while serving the state, no fees shall be assessed and all costs associated with such designations shall be funded by the department of transportation.

227.297. HEROES WAY DESIGNATION PROGRAM ESTABLISHED — SIGNAGE — APPLICATION PROCEDURE — JOINT COMMITTEE TO REVIEW APPLICATIONS. — 1. This section establishes a designation program, to be known as the "Heroes Way Designation Program", to honor the fallen Missouri heroes who have been killed in action while performing active military duty with the Armed Forces. The signs shall be placed upon interstate or state-numbered highway interchanges or upon bridges or segments of highway on the state highway system in accordance with this section, and any applicable federal and state limitations or conditions on highway signage, including location and spacing.

2. Any person who is related by marriage, adoption, or consanguinity within the second degree to a member of the United States Armed Forces who was killed in action while performing active military duty with the Armed Forces, and who was a resident of this state at the time he or she was killed in action, may apply for a designation under the provisions of this section.

3. Any person described under subsection 2 of this section who desires to have an interstate or state-numbered highway interchange or bridge or segment of highway on the state highway system designated after his or her family member shall petition the department of transportation by submitting the following:

(1) An application in a form prescribed by the director, describing the interstate or state-numbered highway interchange or bridge or segment of highway on the state highway system for which the designation is sought and the proposed name of the interchange, bridge or relevant segment of highway. The application shall include the name of at least one current member of the general assembly who will sponsor the designation. The application may contain written testimony for support of the designation;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(2) Proof that the family member killed in action was a member of the United States Armed Forces and proof that such family member was in fact killed in action while performing active military duty with the United States Armed Forces. Acceptable proof shall be a statement from the Missouri veterans commission or the United States Department of Veterans Affairs so certifying such facts; and

(3) By signing a form provided by the Missouri transportation department, the applicant shall certify that the applicant is related by marriage, adoption, or consanguinity within the second degree to the member of the United States Armed Forces who was killed in action; and

(4) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed interchange, bridge, or highway signs. The fee shall not exceed the cost of constructing and maintaining each sign.

4. All moneys received by the department of transportation for the construction and maintenance of interchange, bridge, or highway signs shall be deposited in the state treasury to the credit of the state road fund].

[5.] 4. The documents [and fees] required under this section shall be submitted to the department of transportation.

[6.] 5. The department of transportation shall submit for approval or disapproval all applications for designations to the joint committee on transportation oversight. The joint committee on transportation oversight may review such applications at any scheduled meeting convened pursuant to section 21.795. If satisfied with the application and all its contents, the committee shall approve the application. The committee shall notify the department of transportation upon the approval or denial of an application for a designation.

[7.] 6. The department of transportation shall give notice of any proposed designation under this section in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the designation on the department's official public website and making available copies of the sign designation application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

[8. If the memorial designation request is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the applicant.

9.] 7. Two signs shall be erected for each interchange, bridge, or highway designation processed under this section.

[10.] 8. No interchange, bridge, or highway may be named or designated after more than one member of the United States Armed Forces killed in action. Such person shall only be eligible for one interchange, bridge, or highway designation under the provisions of this section.

[11.] 9. Any highway signs erected for any designation under the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs shall be subject to removal by the department of transportation and the interchange, bridge, or highway may be designated to honor persons other than the current designee. An existing designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the department of transportation is made to retain the designation along with the [required] documents [and all applicable fees] required under this section.

227.299. MEMORIAL BRIDGE OR HIGHWAY DESIGNATIONS, PROCEDURE — NOTICE REQUIREMENTS — SIGNS TO BE ERECTED — MULTIPLE DESIGNATIONS PROHIBITED — TIME PERIOD OF DESIGNATION. — 1. Except as provided in subsection 7 of this section, an organization or person that seeks a bridge or highway designation on the state highway system to honor an event, place, organization, or person who has been deceased for more than two years shall petition the department of transportation by submitting the following:

(1) An application in a form prescribed by the director, describing the bridge or segment of highway for which designation is sought and the proposed name of the bridge or relevant portion of highway. The application shall include the name of at least one current member of the general assembly who will sponsor the bridge or highway designation. The application may contain written testimony for support of the bridge or highway designation;

(2) A list of at least one hundred signatures of individuals who support the naming of the bridge or highway; and

(3) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed signs. The fee shall not exceed the cost of constructing and maintaining each sign.

2. All moneys received by the department of transportation for the construction and maintenance of bridge or highway signs on the state highway system shall be deposited in the state treasury to the credit of the state road fund.

3. The documents and fees required under this section shall be submitted to the department of transportation no later than November first prior to the next regular session of the general assembly to be approved or denied by the joint committee on transportation oversight during such legislative session.

4. The department of transportation shall give notice of any proposed bridge or highway designation on the state highway system in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the designation on the department's official public website, and making available copies of the sign designation application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office.

5. If the memorial highway designation requested by the organization is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the requesting organization.

6. Two highway signs shall be erected for each bridge and highway designation on the state highway system processed under this section. When a named section of a highway crosses two or more county lines, consideration shall be given by the department of transportation to allow additional signage at the county lines or major intersections.

7. **[(1)]** Highway or bridge designations on the state highway system honoring fallen law enforcement officers, members of the Armed Forces killed in the line of duty, Missouri recipients of the medal of honor, emergency personnel killed while performing duties relating to their employment, or state employees killed while serving the state shall not be subject to the provisions of this section.

[(2) Notwithstanding any provision of law to the contrary, beginning August 28, 2021, for designations honoring Missouri medal of honor recipients, no fees shall be assessed and all costs associated with such designations shall be funded by the department of transportation.]

8. No bridge or portion of a highway on the state highway system may be named or designated after more than one event, place, organization, or person. Each event, place, organization, or person shall only be eligible for one bridge or highway designation.

9. Any highway signs erected for any bridge or highway designation on the state highway system under the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs shall be subject to removal by the department of transportation and the bridge or highway may be designated to honor events, places, organizations, or persons other than the current designee. An existing highway or bridge designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the department of transportation is made to retain the designation along with the required documents and all applicable fees required under this section.

10. For persons honored with designations on the state highway system under this chapter after August 28, 2021, the department of transportation shall post a link on its website to biographical information of such persons.

11. The provisions of this section shall apply to bridge or highway designations sought after August 28, 2006.

227.822. DON WELGE MEMORIAL BRIDGE DESIGNATED FOR PORTION OF NEW BRIDGE ON STATE HIGHWAY 51 IN PERRY COUNTY. — The Missouri portion of the new bridge (Chester Bridge) on State Highway 51 crossing over the Mississippi River in Perry County to the Missouri/Illinois state line shall be designated the "Don Welge Memorial Bridge". The Missouri department of transportation shall collaborate with the Illinois department of transportation in designating, erecting, and maintaining appropriate signs designating each state's portion of the bridge, with the costs to be paid by private donations.

227.834. MAJOR LEE BERRA MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF I-64 IN ST. LOUIS COUNTY. — The portion of Interstate 64 from the Interstate 64 ramp to Interstate 270 continuing east to Spode Road in St. Louis County shall be designated the "Major Lee Berra Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

Approved July 6, 2023

CCS HCS SS SCS SB 157

Enacts provisions relating to professions requiring licensure, with penalty provisions and an emergency clause for a certain section.

AN ACT to repeal sections 190.255, 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 193.145, 193.265, 195.070, 195.100, 195.206, 281.102, 324.520, 331.020, 331.060, 334.036, 334.043, 334.100, 334.104, 334.506, 334.613, 334.735, 334.747, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 337.510, 337.615, 337.644, 337.665, 338.010, 340.200, 340.216, 340.218, and 340.222, RSMo, and section 192.530 as truly agreed to and finally passed by senate substitute for house bill no. 402, one hundred second general assembly, first regular session, and to enact in lieu thereof ninety-four new sections relating to professions requiring licensure, with penalty provisions and an emergency clause for a certain section.

SECTION

A Enacting clause.

190.255 Opioid overdose drugs and devices, first responder may administer, when — definition.

191.430 Program established, purpose — department duties.

191.435 Need for health care areas to be designated.

191.440 Contracts for forgivable loans, contents — practice sites, stipulation of.

191.445 Fund created, use of moneys.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 191.450 Failure to maintain acceptable employment status, liable for loan amount — recovery amount.
- 191.592 Grant program established — definitions — purpose — fund created, use of moneys — priority of expenditures — criteria, requirements — report — rulemaking authority — expiration date.
- 191.600 Loan repayment program established — health professional student loan repayment program fund established — use.
- 191.828 Evaluations, effect of initiatives.
- 191.831 Health initiatives fund established, use — Alt-care pilot program, components — participation may be required.
- 192.530 Nonopioid directive form — definitions — requirements.
- 193.145 Death certificate — electronic system — contents, filing, locale, duties of certain persons, time allowed — certificate marked presumptive, when — training, failure to complete, effect of.
- 193.265 Fees for certification and other services — distribution — services free, when.
- 195.070 Prescriptive authority.
- 195.100 Labeling requirements.
- 195.206 Opioid antagonist or addiction mitigation medicine, sale and dispensing of by pharmacists, possession of — administration of, contacting emergency personnel — immunity from liability, when.
- 281.102 Delayed effective date.
- 324.520 Definitions — tattooing, branding, body piercing, prohibited, when, penalty.
- 331.020 Construing terms of this chapter — definitions.
- 331.060 Denial, revocation or suspension of certificate, grounds for — time penalties.
- 334.036 Assistant physicians — definitions — limitation on practice — licensure, rulemaking authority — collaborative practice arrangements — insurance reimbursement.
- 334.043 Reciprocity — definitions — procedure — fees.
- 334.100 Denial, revocation or suspension of license, alternatives, grounds for — reinstatement provisions.
- 334.104 Collaborative practice arrangements, form, contents, delegation of authority — rules, approval, restrictions — disciplinary actions — notice of collaborative practice or physician assistant agreements to board, when — certain nurses may provide anesthesia services, when — contract limitations.
- 334.506 Physical therapists may provide certain services without prescription or direction of an approved health care provider, when — limitations.
- 334.613 Refusal to issue or renew a license, procedure — complaint may be filed, when, requirements for proceedings on — disciplinary action authorized.
- 334.735 Definitions — scope of practice — prohibited activities — board of healing arts to administer licensing program — duties and liability of physicians — collaborative practice arrangement requirements.
- 334.747 Prescribing controlled substances authorized, when — collaborating physicians — certification.
- 334.1600 Citation of law.
- 334.1605 Purpose.
- 334.1610 Definitions.
- 334.1615 Eligibility.
- 334.1620 Designation of state of principal license.
- 334.1625 Application and issuance of expedited licensure.
- 334.1630 Fees for expedited licensure.
- 334.1635 Renewal and continued participation.
- 334.1640 Coordinated information system.
- 334.1645 Joint investigations.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 334.1650 Disciplinary actions.
- 334.1655 Interstate medical licensure compact commission.
- 334.1660 Powers and duties of the interstate commission.
- 334.1665 Finance powers.
- 334.1670 Organization and operation of the interstate commission.
- 334.1675 Rulemaking functions of the interstate commission.
- 334.1680 Oversight of the interstate compact.
- 334.1685 Enforcement of interstate compact.
- 334.1690 Default procedures.
- 334.1695 Dispute resolution.
- 334.1700 Member states, effective date and amendment.
- 334.1705 Withdrawal.
- 334.1710 Dissolution.
- 334.1715 Severability and construction.
- 334.1720 Binding effect of compact and other laws.
- 335.016 Definitions.
- 335.019 Prescriptive authority, when — certificate of controlled substance prescriptive authority, issued when.
- 335.036 Duties of board — fees set, how — fund, source, use, funds transferred from, when — rulemaking.
- 335.046 License, application for — qualifications for, fee — hearing on denial of license.
- 335.051 Reciprocity — license without examination, temporary license, when.
- 335.056 Renewal of license, when due, fee — unlicensed practice prohibited — APRN renewal, requirements.
- 335.076 Titles, RN, LPN, and APRN, who may use.
- 335.086 Use of fraudulent credentials prohibited.
- 335.175 Utilization of telehealth by nurses established.
- 335.203 Nursing education incentive program established — grants authorized, eligibility — administration — rulemaking authority.
- 335.205 Licensure, surcharge, amount.
- 337.510 Requirements for licensure — definitions — reciprocity — provisional professional counselor license issued, when, requirements — renewal license fee.
- 337.550 Licensed professional counselors interstate compact.
- 337.615 Education, experience requirements — definitions — reciprocity — licenses issued, when.
- 337.644 Definitions — application, contents — issuance of license, when — reciprocity.
- 337.665 Information required to be furnished committee — certificate to practice independently issued, when — reciprocity.
- 337.1000 Purpose.
- 337.1005 Definitions.
- 337.1010 State participation in the compact.
- 337.1015 Social worker participation in the compact.
- 337.1020 Issuance of a multistate license.
- 337.1025 Authority of an interstate compact commission and member state licensing authorities.
- 337.1030 Reissuance of a multistate license by a new home state.
- 337.1035 Military families.
- 337.1040 Adverse actions.
- 337.1045 Establishment of social work licensure compact commission.
- 337.1050 Data system.
- 337.1055 Rulemaking.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- 337.1060 Oversight, dispute resolution, and enforcement.
- 337.1065 Effective date, withdrawal, and amendment.
- 337.1070 Construction and severability.
- 337.1075 Consistent effect and conflict with other state laws.
- 338.010 Practice of pharmacy — license required — auxiliary personnel — written protocol required, when — nonprescription drugs — rulemaking authority — therapeutic plan requirements — veterinarian defined — additional requirements — ShowMeVax system, notice — public health emergencies.
- 338.012 Medication therapy services, certain diseases, pharmacist may provide under statewide standing order — rulemaking authority.
- 340.200 Definitions.
- 340.216 Practice without license prohibited, prohibited acts — exceptions.
- 340.218 Evidence of intent to engage in practice.
- 340.222 Supervisor responsible and liable, when.
- 344.045 Complaint procedures, duties of the board.
- 344.055 Records, confidentiality and disclosure of.
- 344.102 Expired or revoked license, prohibited from practicing as an administrator.
 - 1 Advance health care directive form and directions to be included on department website.
- 191.500 Definitions.
- 191.505 Department of health and senior services to administer — may make rules and regulations.
- 191.510 Contracts for loans to include terms.
- 191.515 Requirements for application.
- 191.520 Maximum amount of loans — source of funds.
- 191.525 Number of loans available — to whom — length of loans.
- 191.530 Interest on loans — repayment terms — temporary deferral.
- 191.535 Termination of course of study, effect.
- 191.540 Repayment schedules — breach of contract.
- 191.545 Recovery — actions for.
- 191.550 Approval of contracts.
- 335.212 Definitions.
- 335.215 Department of health and senior services to administer programs — advisory panel — members — rules, procedure.
- 335.218 Nurse loan repayment fund established — administration.
- 335.221 Education surcharge, amount, deposit in nursing student loan and nurse loan repayment fund.
- 335.224 Contracts for repayment of loans.
- 335.227 Eligibility for loan.
- 335.230 Financial assistance, amount.
- 335.233 Schedule for repayment of loan — interest, amount.
- 335.236 Repayment of loan — when.
- 335.239 Deferral of repayment of loans — when.
- 335.242 Action to recover loans due.
- 335.245 Definitions.
- 335.248 Department of health and senior services to administer program — rules and regulations.
- 335.251 Loan repayment contract — qualified employment — recovery of amounts due.
- 335.254 Law not to require certain contracts.
- 335.257 Verification of qualified employment.
 - B Emergency clause for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

SECTION A. ENACTING CLAUSE. — Sections 190.255, 191.500, 191.505, 191.510, 191.515, 191.520, 191.525, 191.530, 191.535, 191.540, 191.545, 191.550, 191.600, 191.828, 191.831, 193.145, 193.265, 195.070, 195.100, 195.206, 281.102, 324.520, 331.020, 331.060, 334.036, 334.043, 334.100, 334.104, 334.506, 334.613, 334.735, 334.747, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 335.203, 335.212, 335.215, 335.218, 335.221, 335.224, 335.227, 335.230, 335.233, 335.236, 335.239, 335.242, 335.245, 335.248, 335.251, 335.254, 335.257, 337.510, 337.615, 337.644, 337.665, 338.010, 340.200, 340.216, 340.218, and 340.222, RSMo, and section 192.530 as truly agreed to and finally passed by senate substitute for house bill no. 402, one hundred second general assembly, first regular session, are repealed and ninety-four new sections enacted in lieu thereof, to be known as sections 190.255, 191.430, 191.435, 191.440, 191.445, 191.450, 191.592, 191.600, 191.828, 191.831, 193.145, 193.265, 195.070, 195.100, 195.206, 281.102, 324.520, 331.020, 331.060, 334.036, 334.043, 334.100, 334.104, 334.506, 334.613, 334.735, 334.747, 334.1600, 334.1605, 334.1610, 334.1615, 334.1620, 334.1625, 334.1630, 334.1635, 334.1640, 334.1645, 334.1650, 334.1655, 334.1660, 334.1665, 334.1670, 334.1675, 334.1680, 334.1685, 334.1690, 334.1695, 334.1700, 334.1705, 334.1710, 334.1715, 334.1720, 335.016, 335.019, 335.036, 335.046, 335.051, 335.056, 335.076, 335.086, 335.175, 335.203, 335.205, 337.510, 337.550, 337.615, 337.644, 337.665, 337.1000, 337.1005, 337.1010, 337.1015, 337.1020, 337.1025, 337.1030, 337.1035, 337.1040, 337.1045, 337.1050, 337.1055, 337.1060, 337.1065, 337.1070, 337.1075, 338.010, 338.012, 340.200, 340.216, 340.218, 340.222, 344.045, 344.055, 344.102, and 1, to read as follows:

190.255. OPIOID OVERDOSE DRUGS AND DEVICES, FIRST RESPONDER MAY ADMINISTER, WHEN — DEFINITION. — 1. Any qualified first responder may obtain and administer naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to a person suffering from an apparent narcotic or opiate-related overdose in order to revive the person.

2. Any licensed drug distributor or pharmacy in Missouri may sell naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to qualified first responder agencies to allow the agency to stock naloxone or other such drugs or devices for the administration of such drug or device to persons suffering from an apparent narcotic or opiate overdose in order to revive the person.

3. For the purposes of this section, "qualified first responder" shall mean any [state and local law enforcement agency staff,] fire department personnel, fire district personnel, or licensed emergency medical technician who is acting under the directives and established protocols of a medical director of a local licensed ground ambulance service licensed under section 190.109, or any state or local law enforcement agency staff member, who comes in contact with a person suffering from an apparent narcotic or opiate-related overdose and who has received training in recognizing and responding to a narcotic or opiate overdose and the administration of naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to a person suffering from an apparent narcotic or opiate-related overdose. "Qualified first responder agencies" shall mean any state or local law enforcement agency, fire department, or ambulance service that provides documented training to its staff related to the administration of naloxone or other such drugs or devices in an apparent narcotic or opiate overdose situation.

4. A qualified first responder shall only administer naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration by such

means as the qualified first responder has received training for the administration of naloxone or other such drugs or devices.

191.430. PROGRAM ESTABLISHED, PURPOSE — DEPARTMENT DUTIES. — 1. There is hereby established within the department of health and senior services the "Health Professional Loan Repayment Program" to provide forgivable loans for the purpose of repaying existing loans related to applicable educational expenses for health care, mental health, and public health professionals. The department of health and senior services shall be the administrative agency for the implementation of the program established by this section.

2. The department of health and senior services shall prescribe the form and the time and method of filing applications and supervise the processing, including oversight and monitoring of the program, and shall promulgate rules to implement the provisions of sections 191.430 to 191.450. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

3. The director of the department of health and senior services shall have the discretion to determine the health professionals and practitioners who will receive forgivable health professional loans from the department to pay their existing loans. The director shall make such determinations each fiscal year based on evidence associated with the greatest needs in the best interests of the public. The health care, mental health, and public health professionals or disciplines funded in any given year shall be contingent upon consultation with the office of workforce development in the department of higher education and workforce development and the department of mental health, or their successor agencies.

4. The department of health and senior services shall enter into a contract with each selected applicant who receives a health professional loan under this section. Each selected applicant shall apply the loan award to his or her educational debt. The contract shall detail the methods of forgiveness associated with a service obligation and the terms associated with the principal and interest accruing on the loan at the time of the award. The contract shall contain details concerning how forgiveness is earned, including when partial forgiveness is earned through a service obligation, and the terms and conditions associated with repayment of the loans for any obligation not served.

5. All health professional loans shall be made from funds appropriated by the general assembly to the health professional loan incentive fund established in section 191.445.

191.435. NEED FOR HEALTH CARE AREAS TO BE DESIGNATED. — The department of health and senior services shall designate counties, communities, or sections of areas in the state as areas of defined need for health care, mental health, and public health services. If a county, community, or section of an area has been designated or determined as a professional shortage area, a shortage area, or a health care, mental health, or public health professional shortage area by the federal Department of Health and Human Services or its successor agency, the department of health and senior services shall designate it as an area of defined need under this section. If the director of the department of health and senior services determines that a county, community, or section of an area has an extraordinary need for health care professional services without a corresponding supply of such professionals, the department of health and senior services may designate it as an area of defined need under this section.

191.440. CONTRACTS FOR FORGIVABLE LOANS, CONTENTS — PRACTICE SITES, STIPULATION OF. — 1. The department of health and senior services shall enter into a contract with

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Matter underscored is proposed language.

each individual qualifying for a forgivable loan under sections 191.430 to 191.450. The written contract between the department and the individual shall contain, but not be limited to, the following:

(1) An agreement that the state agrees to award a loan and the individual agrees to serve for a period equal to two years, or a longer period as the individual may agree to, in an area of defined need as designated by the department, with such service period to begin on the date identified on the signed contract;

(2) A provision that any financial obligations arising out of a contract entered into and any obligation of the individual that is conditioned thereon is contingent upon funds being appropriated for loans;

(3) The area of defined need where the person will practice;

(4) A statement of the damages to which the state is entitled for the individual's breach of the contract; and

(5) Such other statements of the rights and liabilities of the department and of the individual not inconsistent with sections 191.430 to 191.450.

2. The department of health and senior services may stipulate specific practice sites, contingent upon department-generated health care, mental health, and public health professional need priorities, where applicants shall agree to practice for the duration of their participation in the program.

191.445. FUND CREATED, USE OF MONEYS. — There is hereby created in the state treasury the "Health Professional Loan Incentive Fund", which shall consist of any appropriations made by the general assembly, all funds recovered from an individual under section 191.450, and all funds generated by loan repayments received under sections 191.430 to 191.450. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in this fund shall be used solely by the department of health and senior services to provide loans under sections 191.430 to 191.450. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

191.450. FAILURE TO MAINTAIN ACCEPTABLE EMPLOYMENT STATUS, LIABLE FOR LOAN AMOUNT — RECOVERY AMOUNT. — 1. An individual who enters into a written contract with the department of health and senior services, as described in section 191.440, and who fails to maintain an acceptable employment status shall be liable to the state for any amount awarded as a loan by the department directly to the individual who entered into the contract that has not yet been forgiven.

2. An individual fails to maintain an acceptable employment status under this section when the contracted individual involuntarily or voluntarily terminates qualifying employment, is dismissed from such employment before completion of the contractual service obligation within the specific time frame outlined in the contract, or fails to respond to requests made by the department.

3. If an individual breaches the written contract of the individual by failing to begin or complete such individual's service obligation, the state shall be entitled to recover from the individual an amount equal to the sum of:

(1) The total amount of the loan awarded by the department or, if the department had already awarded partial forgiveness at the time of the breach, the amount of the loan not yet forgiven;

(2) The interest on the amount that would be payable if at the time the loan was awarded it was a loan bearing interest at the maximum prevailing rate as determined by the Treasurer of the United States;

(3) An amount equal to any damages incurred by the department as a result of the breach; and

(4) Any legal fees or associated costs incurred by the department or the state of Missouri in the collection of damages.

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Matter underscored is proposed language.

191.592. GRANT PROGRAM ESTABLISHED — DEFINITIONS — PURPOSE — FUND CREATED, USE OF MONEYS — PRIORITY OF EXPENDITURES — CRITERIA, REQUIREMENTS — REPORT — RULEMAKING AUTHORITY — EXPIRATION DATE. — 1. For purposes of this section, the following terms mean:

- (1) "Department", the department of health and senior services;
 - (2) "Eligible entity", an entity that operates a physician medical residency program in this state and that is accredited by the Accreditation Council for Graduate Medical Education;
 - (3) "General primary care and psychiatry", family medicine, general internal medicine, general pediatrics, internal medicine-pediatrics, general obstetrics and gynecology, or general psychiatry;
 - (4) "Grant-funded residency position", a position that is accredited by the Accreditation Council for Graduate Medical Education, that is established as a result of funding awarded to an eligible entity for the purpose of establishing an additional medical resident position beyond the currently existing medical resident positions, and that is within the fields of general primary care and psychiatry. Such position shall end when the medical residency funding under this section is completed or when the resident in the medical grant-funded residency position is no longer employed by the eligible entity, whichever is earlier;
 - (5) "Participating medical resident", an individual who is a medical school graduate with a doctor of medicine degree or doctor of osteopathic medicine degree, who is participating in a postgraduate training program at an eligible entity, and who is filling a grant-funded residency position.
2. (1) Subject to appropriation, the department shall establish a medical residency grant program to award grants to eligible entities for the purpose of establishing and funding new general primary care and psychiatry medical residency positions in this state and continuing the funding of such new residency positions for the duration of the funded residency.
- (2) (a) Funding shall be available for three years for residency positions in family medicine, general internal medicine, and general pediatrics.
 - (b) Funding shall be available for four years for residency positions in general obstetrics and gynecology, internal medicine-pediatrics, and general psychiatry.
3. (1) There is hereby created in the state treasury the "Medical Residency Grant Program Fund". Moneys in the fund shall be used to implement and fund grants to eligible entities.
- (2) The medical residency grant program fund shall include funds appropriated by the general assembly, reimbursements from awarded eligible entities that were not able to fill the residency position or positions with an individual medical resident or residents, and any gifts, contributions, grants, or bequests received from federal, private, or other sources.
 - (3) The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely as provided in this section.
 - (4) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.
 - (5) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.
4. Subject to appropriation, the department shall expend moneys in the medical residency grant program fund in the following order:
- (1) Necessary costs of the department to implement this section;
 - (2) Funding of grant-funded residency positions of individuals in the fourth year of their residency, as applicable to residents in general obstetrics and gynecology, internal medicine-pediatrics, and general psychiatry;
 - (3) Funding of grant-funded residency positions of individuals in the third year of their residency;
 - (4) Funding of grant-funded residency positions of individuals in the second year of their residency;

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(5) Funding of grant-funded residency positions of individuals in the first year of their residency; and

(6) The establishment of new grant-funded residency positions at awarded eligible entities.

5. The department shall establish criteria to evaluate which eligible entities shall be awarded grants for new grant-funded residency positions, criteria for determining the amount and duration of grants, the contents of the grant application, procedures and timelines by which eligible entities may apply for grants, and all other rules needed to implement the purposes of this section. Such criteria shall include a preference for eligible entities located in areas of highest need for general primary care and psychiatric care physicians, as determined by the health professional shortage area score.

6. Eligible entities that receive grants under this section shall:

(1) Agree to supplement awarded funds under this section, if necessary, to establish or maintain a grant-funded residency position for the duration of the funded resident's medical residency; and

(2) Agree to abide by other requirements imposed by rule.

7. Annual funding per participating medical resident shall be limited to:

(1) Direct graduate medical education costs including, but not limited to:

(a) Salaries and benefits for residents, faculty, and program staff;

(b) Malpractice insurance, licenses, and other required fees; and

(c) Program administration and educational materials; and

(2) Indirect costs of graduate medical education necessary to meet the standards of the Accreditation Council for Graduate Medical Education.

8. No new grant-funded residency positions under this section shall be established after the tenth fiscal year in which grants are awarded. However, any residency positions funded under this section may continue to be funded until the completion of the resident's medical residency.

9. The department shall submit an annual report to the general assembly regarding the implementation of the program developed under this section.

10. The department may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

11. The provisions of this section shall expire on January 1, 2038.

191.600. LOAN REPAYMENT PROGRAM ESTABLISHED — HEALTH PROFESSIONAL STUDENT LOAN REPAYMENT PROGRAM FUND ESTABLISHED — USE. — 1. Sections 191.600 to 191.615 establish a loan repayment program for graduates of approved medical schools, schools of osteopathic medicine, schools of dentistry and accredited chiropractic colleges who practice in areas of defined need and shall be known as the "Health Professional Student Loan Repayment Program". Sections 191.600 to 191.615 shall apply to graduates of accredited chiropractic colleges when federal guidelines for chiropractic shortage areas are developed.

2. The "Health Professional Student Loan and Loan Repayment Program Fund" is hereby created in the state treasury. All funds recovered from an individual pursuant to section 191.614 and all funds generated by loan repayments and penalties received pursuant to section 191.540 shall be credited to the fund. The moneys in the fund shall be used by the department of health and senior services to provide loan repayments pursuant to section 191.611 in accordance with sections 191.600 to 191.614 [and to provide loans pursuant to sections 191.500 to 191.550].

191.828. EVALUATIONS, EFFECT OF INITIATIVES. — 1. The following departments shall conduct on-going evaluations of the effect of the initiatives enacted by the following sections:

(1) The department of commerce and insurance shall evaluate the effect of revising section 376.782 and sections 143.999, 208.178, 374.126, and 376.891 to 376.894;

(2) The department of health and senior services shall evaluate the effect of revising sections 105.711 and [sections 191.520 and] 191.600 and enacting section 191.411, and sections 167.600 to 167.621, 191.231, 208.177, 431.064, and 660.016. In collaboration with the state board of registration for the healing arts, the state board of nursing, and the state board of pharmacy, the department of health and senior services shall also evaluate the effect of revising section 195.070, section 334.100, and section 335.016, and of sections 334.104 and 334.112, and section 338.095 and 338.198;

(3) The department of social services shall evaluate the effect of revising section 198.090, and sections 208.151, 208.152 and 208.215, and section 383.125, and of sections 167.600 to 167.621, 208.177, 208.178, 208.179, 208.181, and 211.490;

(4) The office of administration shall evaluate the effect of revising sections 105.711 and 105.721;

(5) The Missouri consolidated health care plan shall evaluate the effect of section 103.178; and

(6) The department of mental health shall evaluate the effect of section 191.831 as it relates to substance abuse treatment and of section 191.835.

2. The department of revenue and office of administration shall make biannual reports to the general assembly and the governor concerning the income received into the health initiatives fund and the level of funding required to operate the programs and initiatives funded by the health initiatives fund at an optimal level.

191.831. HEALTH INITIATIVES FUND ESTABLISHED, USE — Alt-care pilot program, components — participation may be required. — 1. There is hereby established in the state treasury a "Health Initiatives Fund", to which shall be deposited all revenues designated for the fund under subsection 8 of section 149.015, and subsection 3 of section 149.160, and section 167.609, and all other funds donated to the fund or otherwise deposited pursuant to law. The state treasurer shall administer the fund. Money in the fund shall be appropriated to provide funding for implementing the new programs and initiatives established by sections 105.711 and 105.721. The moneys in the fund may further be used to fund those programs established by sections 191.411[, 191.520] and 191.600, sections 208.151 and 208.152, and sections 103.178, 143.999, 167.600 to 167.621, 188.230, 191.211, 191.231, 191.825 to 191.839, 192.013, 208.177, 208.178, 208.179 and 208.181, 211.490, 285.240, 337.093, 374.126, 376.891 to 376.894, 431.064, 660.016, 660.017 and 660.018; in addition, not less than fifteen percent of the proceeds deposited to the health initiative fund pursuant to sections 149.015 and 149.160 shall be appropriated annually to provide funding for the C-STAR substance abuse rehabilitation program of the department of mental health, or its successor program, and a C-STAR pilot project developed by the director of the division of alcohol and drug abuse and the director of the department of corrections as an alternative to incarceration, as provided in subsections 2, 3, and 4 of this section. Such pilot project shall be known as the "Alt-care" program. In addition, some of the proceeds deposited to the health initiatives fund pursuant to sections 149.015 and 149.160 shall be appropriated annually to the division of alcohol and drug abuse of the department of mental health to be used for the administration and oversight of the substance abuse traffic [offenders] offender program defined in section 302.010 [and section 577.001]. The provisions of section 33.080 to the contrary notwithstanding, money in the health initiatives fund shall not be transferred at the close of the biennium to the general revenue fund.

2. The director of the division of alcohol and drug abuse and the director of the department of corrections shall develop and administer a pilot project to provide a comprehensive substance abuse treatment and rehabilitation program as an alternative to incarceration, hereinafter referred to as "Alt-care". Alt-care shall be funded using money provided under subsection 1 of this section through the

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Missouri Medicaid program, the C-STAR program of the department of mental health, and the division of alcohol and drug abuse's purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and living arrangements individually adapted to each client and her children. Alt-care shall consist of the following components:

- (1) Assessment and treatment planning;
- (2) Community support to provide continuity, monitoring of progress and access to services and resources;
- (3) Counseling from individual to family therapy;
- (4) Day treatment services which include accessibility seven days per week, transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly events for families and companions, job and education preparedness training, peer support and self-help and daily living skills; and
- (5) Living arrangement options which are permanent, substance-free and conducive to treatment and recovery.

3. Any female who is pregnant or is the custodial parent of a child or children under the age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of chapter 195, and whose controlled substance abuse was a precipitating or contributing factor in the commission of the offense, and who is placed on probation may be required, as a condition of probation, to participate in Alt-care, if space is available in the pilot project area. Determinations of eligibility for the program, placement, and continued participation shall be made by the division of alcohol and drug abuse, in consultation with the department of corrections.

4. The availability of space in Alt-care shall be determined by the director of the division of alcohol and drug abuse in conjunction with the director of the department of corrections. If the sentencing court is advised that there is no space available, the court shall consider other authorized dispositions.

[192.530. NONOPIOID DIRECTIVE FORM — DEFINITIONS — REQUIREMENTS. — 1. As used in this section, the following terms mean:

- (1) "Department", the department of health and senior services;
- (2) "Health care provider", the same meaning given to the term in section 376.1350;
- (3) "Voluntary nonopioid directive form", a form that may be used by a patient to deny or refuse the administration or prescription of a controlled substance containing an opioid by a health care provider.
2. In consultation with the board of registration for the healing arts and the board of pharmacy, the department shall develop and publish a uniform voluntary nonopioid directive form.
3. The voluntary nonopioid directive form developed by the department shall indicate to all prescribing health care providers that the named patient shall not be offered, prescribed, supplied with, or otherwise administered a controlled substance containing an opioid.
4. The voluntary nonopioid directive form shall be posted in a downloadable format on the department's publicly accessible website.
5. (1) A patient may execute and file a voluntary nonopioid directive form with a health care provider. Each health care provider shall sign and date the form in the presence of the patient as evidence of acceptance and shall provide a signed copy of the form to the patient.
- (2) The patient executing and filing a voluntary nonopioid directive form with a health care provider shall sign and date the form in the presence of the health care provider or a designee of the health care provider. In the case of a patient who is unable to execute and file a voluntary nonopioid directive form, the patient may designate a duly authorized guardian or health care proxy to execute and file the form in accordance with subdivision (1) of this subsection.
- (3) A patient may revoke the voluntary nonopioid directive form for any reason and may do so by written or oral means.

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6. The department shall promulgate regulations for the implementation of the voluntary nonopioid directive form that shall include, but not be limited to:

(1) A standard method for the recording and transmission of the voluntary nonopioid directive form, which shall include verification by the patient's health care provider and shall comply with the written consent requirements of the Public Health Service Act, 42 U.S.C. Section 290dd-2(b), and 42 CFR Part 2, relating to confidentiality of alcohol and drug abuse patient records, provided that the voluntary nonopioid directive form shall also provide the basic procedures necessary to revoke the voluntary nonopioid directive form;

(2) Procedures to record the voluntary nonopioid directive form in the patient's medical record or, if available, the patient's interoperable electronic medical record;

(3) Requirements and procedures for a patient to appoint a duly authorized guardian or health care proxy to override a previously filed voluntary nonopioid directive form and circumstances under which an attending health care provider may override a previously filed voluntary nonopioid directive form based on documented medical judgment, which shall be recorded in the patient's medical record;

(4) Procedures to ensure that any recording, sharing, or distributing of data relative to the voluntary nonopioid directive form complies with all federal and state confidentiality laws; and

(5) Appropriate exemptions for health care providers and emergency medical personnel to prescribe or administer a controlled substance containing an opioid when, in their professional medical judgment, a controlled substance containing an opioid is necessary, or the provider and medical personnel are acting in good faith.

The department shall develop and publish guidelines on its publicly accessible website that shall address, at a minimum, the content of the regulations promulgated under this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

7. A written prescription that is presented at an outpatient pharmacy or a prescription that is electronically transmitted to an outpatient pharmacy is presumed to be valid for the purposes of this section, and a pharmacist in an outpatient setting shall not be held in violation of this section for dispensing a controlled substance in contradiction to a voluntary nonopioid directive form, except upon evidence that the pharmacist acted knowingly against the voluntary nonopioid directive form.

8. (1) A health care provider or an employee of a health care provider acting in good faith shall not be subject to criminal or civil liability and shall not be considered to have engaged in unprofessional conduct for failing to offer or administer a prescription or medication order for a controlled substance containing an opioid under the voluntary nonopioid directive form.

(2) A person acting as a representative or an agent pursuant to a health care proxy shall not be subject to criminal or civil liability for making a decision under subdivision (3) of subsection 6 of this section in good faith.

(3) Notwithstanding any other provision of law, a professional licensing board, at its discretion, may limit, condition, or suspend the license of, or assess fines against, a health care provider who recklessly or negligently fails to comply with a patient's voluntary nonopioid directive form.]

193.145. DEATH CERTIFICATE — ELECTRONIC SYSTEM — CONTENTS, FILING, LOCALE, DUTIES OF CERTAIN PERSONS, TIME ALLOWED — CERTIFICATE MARKED PRESUMPTIVE, WHEN — TRAINING, FAILURE TO COMPLETE, EFFECT OF. — 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state

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registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. All data providers in the death registration process, including, but not limited to, the state registrar, local registrars, the state medical examiner, county medical examiners, coroners, funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, physician assistants, assistant physicians, advanced practice registered nurses, and the chief medical officers of licensed health care facilities, and other public or private institutions providing medical care, treatment, or confinement to persons, shall be required to use and utilize any electronic death registration system required and adopted under subsection 1 of section 193.265 within six months of the system being certified by the director of the department of health and senior services, or the director's designee, to be operational and available to all data providers in the death registration process. [However, should the person or entity that certifies the cause of death not be part of, or does not use, the electronic death registration system, the funeral director or person acting as such may enter the required personal data into the electronic death registration system and then complete the filing by presenting the signed cause of death certification to the local registrar, in which case the local registrar shall issue death certificates as set out in subsection 2 of section 193.265. Nothing in this section shall prevent the state registrar from adopting pilot programs or voluntary electronic death registration programs until such time as the system can be certified; however, no such pilot or voluntary electronic death registration program shall prevent the filing of a death certificate with the local registrar or the ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until six months after such certification that the system is operational.]

2. If the place of death is unknown but the dead body is found in this state, the certificate of death shall be completed and filed pursuant to the provisions of this section. The place where the body is found shall be shown as the place of death. The date of death shall be the date on which the remains were found.

3. When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where the body is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death if such place may be determined.

4. The funeral director or person in charge of final disposition of the dead body shall file the certificate of death. The funeral director or person in charge of the final disposition of the dead body shall obtain or verify and enter into the electronic death registration system:

- (1) The personal data from the next of kin or the best qualified person or source available;
- (2) The medical certification from the person responsible for such certification if designated to do so under subsection 5 of this section; and
- (3) Any other information or data that may be required to be placed on a death certificate or entered into the electronic death certificate system including, but not limited to, the name and license number of the embalmer.

5. The medical certification shall be completed, attested to its accuracy either by signature or an electronic process approved by the department, and returned to the funeral director or person in charge of final disposition within seventy-two hours after death by the physician, physician assistant, assistant physician, or advanced practice registered nurse in charge of the patient's care for the illness or condition which resulted in death. In the absence of the physician, physician assistant, assistant physician, or advanced practice registered nurse or with the physician's, physician assistant's, assistant physician's, or advanced practice registered nurse's approval the certificate may be completed and attested to its accuracy either by signature or an approved electronic process by the physician's associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, views

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Matter underscored is proposed language.

the deceased at or after death and death is due to natural causes. The person authorized to complete the medical certification may, in writing, designate any other person to enter the medical certification information into the electronic death registration system if the person authorized to complete the medical certificate has physically or by electronic process signed a statement stating the cause of death. Any persons completing the medical certification or entering data into the electronic death registration system shall be immune from civil liability for such certification completion, data entry, or determination of the cause of death, absent gross negligence or willful misconduct. The state registrar may approve alternate methods of obtaining and processing the medical certification and filing the death certificate. The Social Security number of any individual who has died shall be placed in the records relating to the death and recorded on the death certificate.

6. When death occurs from natural causes more than thirty-six hours after the decedent was last treated by a physician, physician assistant, assistant physician, or advanced practice registered nurse, the case shall be referred to the county medical examiner or coroner or physician or local registrar for investigation to determine and certify the cause of death. If the death is determined to be of a natural cause, the medical examiner or coroner or local registrar shall refer the certificate of death to the attending physician, physician assistant, assistant physician, or advanced practice registered nurse for such certification. If the attending physician, physician assistant, assistant physician, or advanced practice registered nurse refuses or is otherwise unavailable, the medical examiner or coroner or local registrar shall attest to the accuracy of the certificate of death either by signature or an approved electronic process within thirty-six hours.

7. If the circumstances suggest that the death was caused by other than natural causes, the medical examiner or coroner shall determine the cause of death and shall, either by signature or an approved electronic process, complete and attest to the accuracy of the medical certification within seventy-two hours after taking charge of the case.

8. If the cause of death cannot be determined within seventy-two hours after death, the attending medical examiner, coroner, attending physician, physician assistant, assistant physician, advanced practice registered nurse, or local registrar shall give the funeral director, or person in charge of final disposition of the dead body, notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the medical examiner, coroner, attending physician, physician assistant, assistant physician, advanced practice registered nurse, or local registrar.

9. When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of an order of a court of competent jurisdiction which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "Presumptive", show on its face the date of registration, and identify the court and the date of decree.

10. (1) The department of health and senior services shall notify all physicians, physician assistants, assistant physicians, and advanced practice registered nurses licensed under chapters 334 and 335 of the requirements regarding the use of the electronic vital records system provided for in this section.

(2) On or before August 30, 2015, the department of health and senior services, division of community and public health shall create a working group comprised of representation from the Missouri electronic vital records system users and recipients of death certificates used for professional purposes to evaluate the Missouri electronic vital records system, develop recommendations to improve the efficiency and usability of the system, and to report such findings and recommendations to the general assembly no later than January 1, 2016.

11. Notwithstanding any provision of law to the contrary, if a coroner or deputy coroner is not current with or is without the approved training under chapter 58, the department of health and senior services shall prohibit such coroner from attesting to the accuracy of a certificate of death. No person elected or appointed to the office of coroner can assume such elected office until the training, as established by the coroner standards and training commission under the provisions of section 58.035,

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has been completed and a certificate of completion has been issued. In the event a coroner cannot fulfill his or her duties or is no longer qualified to attest to the accuracy of a death certificate, the sheriff of the county shall appoint a medical professional to attest death certificates until such time as the coroner can resume his or her duties or another coroner is appointed or elected to the office.

193.265. FEES FOR CERTIFICATION AND OTHER SERVICES — DISTRIBUTION — SERVICES

FREE, WHEN. — 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031. All fees collected under this subsection shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, one dollar for each certification or copy of death records to the Missouri state coroners' training fund established in section 58.208, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public health services fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars for each additional copy ordered at that time. For each fee collected under this subsection, one dollar shall be deposited to the state department of revenue and the remainder shall be deposited to the official city or county health agency. The director of revenue shall credit all fees deposited to the state department of revenue under this subsection to the Missouri state coroners' training fund established in section 58.208.

3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations

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collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees collected under this subsection, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency.

4. A certified copy of a death record by the local registrar can only be issued [within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records] after acceptance and registration with the state registrar. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.

5. No fee under this section shall be required or collected from a parent or guardian of a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a certification, or copy of such certification, of birth of such child or youth. An unaccompanied youth shall be eligible to receive a certification or copy of his or her own birth record without the consent or signature of his or her parent or guardian; provided, that only one certificate under this provision shall be provided without cost to the unaccompanied or homeless youth. For the issuance of any additional certificates, the statutory fee shall be paid.

195.070. PRESCRIPTIVE AUTHORITY. — 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone and Schedule II controlled substances for hospice patients pursuant to the provisions of section 334.104. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, except:

(1) When the controlled substance is delivered to the practitioner to administer to the patient for whom the medication is prescribed as authorized by federal law. Practitioners shall maintain records

and secure the medication as required by this chapter and regulations promulgated pursuant to this chapter; or

(2) As provided in section 195.265.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. LABELING REQUIREMENTS. — 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the manufacturer or wholesaler shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under this chapter, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in which such drug is sold or dispensed a label showing his or her own name and address of the pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; [the name of the collaborating physician if the prescription is written by an advanced practice registered nurse or a physician assistant,] and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

195.206. OPIOID ANTAGONIST OR ADDICTION MITIGATION MEDICINE, SALE AND DISPENSING OF BY PHARMACISTS, POSSESSION OF — ADMINISTRATION OF, CONTACTING EMERGENCY PERSONNEL — IMMUNITY FROM LIABILITY, WHEN. — 1. As used in this section, the following terms shall mean:

(1) "Addiction mitigation medication", naltrexone hydrochloride that is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(2) "Opioid antagonist", naloxone hydrochloride, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose [that] and is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(3) "Opioid-related drug overdose", a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid or other substance with which an opioid was combined or a condition that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

2. Notwithstanding any other law or regulation to the contrary:

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(1) The director of the department of health and senior services, if a licensed physician, may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication;

(2) In the alternative, the department may employ or contract with a licensed physician who may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication with the express written consent of the department director.

3. Notwithstanding any other law or regulation to the contrary, any licensed pharmacist in Missouri may sell and dispense an opioid antagonist or an addiction mitigation medication under physician protocol or under a statewide standing order issued under subsection 2 of this section.

4. A licensed pharmacist who, acting in good faith and with reasonable care, sells or dispenses an opioid antagonist or an addiction mitigation medication and an appropriate device to administer the drug, and the protocol physician, shall not be subject to any criminal or civil liability or any professional disciplinary action for prescribing or dispensing the opioid antagonist or an addiction mitigation medication or any outcome resulting from the administration of the opioid antagonist or an addiction mitigation medication. A physician issuing a statewide standing order under subsection 2 of this section shall not be subject to any criminal or civil liability or any professional disciplinary action for issuing the standing order or for any outcome related to the order or the administration of the opioid antagonist or an addiction mitigation medication.

5. Notwithstanding any other law or regulation to the contrary, it shall be permissible for any person to possess an opioid antagonist or an addiction mitigation medication.

6. Any person who administers an opioid antagonist to another person shall, immediately after administering the drug, contact emergency personnel. Any person who, acting in good faith and with reasonable care, administers an opioid antagonist to another person whom the person believes to be suffering an opioid-related drug overdose shall be immune from criminal prosecution, disciplinary actions from his or her professional licensing board, and civil liability due to the administration of the opioid antagonist.

281.102. DELAYED EFFECTIVE DATE. — The enactment of section 281.048 and the repeal and reenactment of sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 of this act shall become effective on January 1, ~~2024~~ 2025.

324.520. DEFINITIONS — TATTOOING, BRANDING, BODY PIERCING, PROHIBITED, WHEN, PENALTY. — 1. As used in sections 324.520 to 324.524, the following terms mean:

(1) "Body piercing", the perforation of human tissue other than an ear for a nonmedical purpose;

(2) "Branding", a permanent mark made on human tissue by burning with a hot iron or other instrument;

(3) "Controlled substance", any substance defined in section 195.010;

(4) "Minor", a person under the age of eighteen;

(5) "Tattoo", one or more of the following:

(a) ~~[An indelible]~~ A mark made on the body of another person by the insertion of a pigment, ink, or both pigment and ink under the skin with the aid of needles or blades using hand-held or machine-powered instruments; [or]

(b) A mark made on the face or body of another person for cosmetic purposes or to any part of the body for scar coverage or other corrective purposes by the insertion of a pigment, ink, or both pigment and ink under the skin with the aid of needles; or

(c) An indelible design made on the body of another person by production of scars other than by branding.

2. No person shall knowingly tattoo, brand or perform body piercing on a minor unless such person obtains the prior written informed consent of the minor's parent or legal guardian. The minor's parent

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or legal guardian shall execute the written informed consent required pursuant to this subsection in the presence of the person performing the tattooing, branding or body piercing on the minor, or in the presence of an employee or agent of such person. Any person who fraudulently misrepresents himself or herself as a parent is guilty of a class B misdemeanor.

3. A person shall not tattoo, brand or perform body piercing on another person if the other person is under the influence of intoxicating liquor or a controlled substance.

4. A person who violates any provisions of sections 324.520 to 324.526 is guilty of a misdemeanor and shall be fined not more than five hundred dollars. If there is a subsequent violation within one year of the initial violation, such person shall be fined not less than five hundred dollars or more than one thousand dollars.

5. No person under the age of eighteen shall tattoo, brand or perform body piercing on another person.

331.020. CONSTRUING TERMS OF THIS CHAPTER — DEFINITIONS. — 1. Whenever in this chapter occurs the word "board", or "the board", such words shall be construed to mean the state board of chiropractic examiners.

2. For the purposes of this chapter, the following terms mean:

(1) "Animal chiropractic", the examination and treatment of an animal through vertebral subluxation complex or spinal, joint, or musculoskeletal manipulation by an animal chiropractic practitioner. The term "animal chiropractic" shall not be construed to require supervision by a licensed veterinarian to practice or to allow the diagnosing of an animal; the performing of surgery; the dispensing, prescribing, or administering of medications, drugs, or biologics; or the performance of any other type of veterinary medicine when performed by an individual licensed by the state board of chiropractic examiners;

(2) "Animal chiropractic practitioner":

(a) A licensed veterinarian; or

(b) An individual who is licensed by the state board of chiropractic examiners to engage in the practice of chiropractic, as defined in section 331.010; who is certified by the AVCA or IVCA, as defined in section 340.200, or other equivalent certifying body; who has graduated from a certification course in animal chiropractic with not less than two hundred ten hours of instruction; and whose practice of animal chiropractic shall be regulated by the state board of chiropractic examiners.

331.060. DENIAL, REVOCATION OR SUSPENSION OF CERTIFICATE, GROUNDS FOR — TIME PENALTIES. — 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

- (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;
- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;
- (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;
- (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from school;
- (8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;
- (11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;
- (12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;
- (13) Violation of any professional trust or confidence;
- (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:
 - (a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;
 - (b) Any self-laudatory statement;
 - (c) Any misleading or deceptive statement offering or promising a free service. Nothing herein shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including consultation fees;
 - (d) Any misleading or deceptive claims of patient cure, relief or improved condition; superiority in service, treatment or materials; new or improved service, treatment or material, or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;
 - (e) Failure to use the term "chiropractor", "doctor of chiropractic", "chiropractic physician", or "D.C." in any advertisement, solicitation, sign, letterhead, or any other method of addressing the public;
 - (f) Attempting to attract patronage in any manner which castigates, impugns, disparages, discredits or attacks other healing arts and sciences or other chiropractic physicians;
- (15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;
- (16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;
- (17) Fails to maintain a chiropractic office in a safe and sanitary condition;
- (18) Engaging in unprofessional or improper conduct in the practice of chiropractic;

(19) Administering or prescribing any drug or medicine or attempting to practice medicine, surgery, or osteopathy within the meaning of chapter 334;

(20) Engaging in the practice of animal chiropractic without a patient referral from a licensed veterinarian with a current veterinarian-client-patient relationship;

(21) Being unable to practice as a chiropractic physician with reasonable skill and safety to patients because of one of the following: professional incompetency; illness, drunkenness, or excessive use of drugs, narcotics, or chemicals; any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the chiropractor for the purpose of establishing his competency to practice as a chiropractic physician to submit to a reexamination, which shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the chiropractic physician's professional competence by at least three chiropractic physicians, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the chiropractic physician compelled to take the examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or certified mail. Failure of the chiropractic physician to submit to an examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control. A chiropractic physician whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a chiropractic physician in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the following: denying his application for a license; permanently withholding issuance of a license; administering a public or private reprimand; suspending or limiting or restricting his license to practice as a chiropractic physician for a period of not more than five years; revoking his license to practice as a chiropractic physician; requiring him to submit to the care, counseling or treatment of physicians designated by the chiropractic physician compelled to be treated. For the purpose of this subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination:

(1) Censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years; or

(2) May suspend the license, certificate or permit for a period not to exceed three years; or

(3) Revoke the license, certificate or permit.

4. If at any time after disciplinary sanctions have been imposed under this section or under any provision of this chapter, the licensee removes himself from the state of Missouri, ceases to be currently licensed under the provisions of this chapter, or fails to keep the Missouri state board of chiropractic examiners advised of his current place of business and residence, the time of his absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

334.036. ASSISTANT PHYSICIANS — DEFINITIONS — LIMITATION ON PRACTICE — LICENSURE, RULEMAKING AUTHORITY — COLLABORATIVE PRACTICE ARRANGEMENTS — INSURANCE REIMBURSEMENT. — 1. For purposes of this section, the following terms shall mean:

(1) "Assistant physician", any graduate of a medical school [graduate] accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or an organization accredited by the Educational Commission for Foreign Medical Graduates who:

- (a) Is a resident and citizen of the United States or is a legal resident alien;
- (b) Has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the three-year period immediately preceding application for licensure as an assistant physician, or within three years after graduation from a medical college or osteopathic medical college, whichever is later;
- (c) Has not completed an approved postgraduate residency and has successfully completed Step 2 of the United States Medical Licensing Examination or the equivalent of such step of any other board-approved medical licensing examination within the immediately preceding three-year period unless when such three-year anniversary occurred he or she was serving as a resident physician in an accredited residency in the United States and continued to do so within thirty days prior to application for licensure as an assistant physician; and
- (d) Has proficiency in the English language.

Any graduate of a medical school [graduate] who could have applied for licensure and complied with the provisions of this subdivision at any time between August 28, 2014, and August 28, 2017, may apply for licensure and shall be deemed in compliance with the provisions of this subdivision;

(2) "Assistant physician collaborative practice arrangement", an agreement between a physician and an assistant physician that meets the requirements of this section and section 334.037[;];

(3) "Medical school graduate", any person who has graduated from a medical college or osteopathic medical college described in section 334.031[.].

2. (1) An assistant physician collaborative practice arrangement shall limit the assistant physician to providing only primary care services and only in medically underserved rural or urban areas of this state for in any pilot project areas established in which assistant physicians may practice[.].

(2) For a physician-assistant physician team working in a rural health clinic under the federal Rural Health Clinic Services Act, P.L. 95-210, as amended:

(a) An assistant physician shall be considered a physician assistant for purposes of regulations of the Centers for Medicare and Medicaid Services (CMS); and

(b) No supervision requirements in addition to the minimum federal law shall be required.

3. (1) For purposes of this section, the licensure of assistant physicians shall take place within processes established by rules of the state board of registration for the healing arts. The board of healing arts is authorized to establish rules under chapter 536 establishing licensure and renewal procedures, supervision, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. No licensure fee for an assistant physician shall exceed the amount of any licensure fee for a physician assistant. An application for licensure may be denied or the licensure of an assistant physician may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule. No rule or regulation shall require an assistant physician to complete more hours of continuing medical education than that of a licensed physician.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then

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the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

(3) Any rules or regulations regarding assistant physicians in effect as of the effective date of this section that conflict with the provisions of this section and section 334.037 shall be null and void as of the effective date of this section.

4. An assistant physician shall clearly identify himself or herself as an assistant physician and shall be permitted to use the terms "doctor", "Dr.", or "doc". No assistant physician shall practice or attempt to practice without an assistant physician collaborative practice arrangement, except as otherwise provided in this section and in an emergency situation.

5. The collaborating physician is responsible at all times for the oversight of the activities of and accepts responsibility for primary care services rendered by the assistant physician.

6. The provisions of section 334.037 shall apply to all assistant physician collaborative practice arrangements. Any renewal of licensure under this section shall include verification of actual practice under a collaborative practice arrangement in accordance with this subsection during the immediately preceding licensure period.

7. Each health carrier or health benefit plan that offers or issues health benefit plans that are delivered, issued for delivery, continued, or renewed in this state shall reimburse an assistant physician for the diagnosis, consultation, or treatment of an insured or enrollee on the same basis that the health carrier or health benefit plan covers the service when it is delivered by another comparable mid-level health care provider including, but not limited to, a physician assistant.

334.043. RECIPROCITY — DEFINITIONS — PROCEDURE — FEES. — [Upon the applicant paying a fee equivalent to the required examination fee and furnishing the board with all locations of previous practice and licensure in chronological order, the board shall, under regulations prescribed by it, admit without examination qualified persons who meet the requirements of this state including, but not limited to, sections 334.031, 334.035 and 334.040, and who hold certificates of licensure in any state or territory of the United States or the District of Columbia authorizing them to practice in the same manner and to the same extent as physicians and surgeons are authorized to practice by this chapter. Within the limits of this section, the board is authorized and empowered to negotiate reciprocal compacts with licensing boards of other states for admission of licensed practitioners from Missouri in other states] 1. For purposes of this section, the following terms mean:

(1) "Board", the state board of registration for the healing arts in the state of Missouri;

(2) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(3) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;

(4) "Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(5) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

(6) "Resident military spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Any person who holds a valid current physician and surgeon license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit to the board an application for a physician and surgeon license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.

3. The board shall:

(1) Within six months of receiving an application described in subsection 2 of this section, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The board may require an applicant to take and pass an examination specific to the laws of this state; or

(2) Within thirty days of receiving an application described in subsection 2 of this section from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section.

4. (1) The board shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in subdivision (2) of this subsection, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the board receives his or her application under this section.

(2) If another jurisdiction has taken disciplinary action against an applicant, the board shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the board may deny a license until the matter is resolved.

5. Nothing in this section shall prohibit the board from denying a license to an applicant under this section for any reason described in section 334.100.

6. Any person who is licensed under the provisions of this section shall be subject to the board's jurisdiction and all rules and regulations pertaining to the practice as a physician and surgeon in this state.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees.

334.100. DENIAL, REVOCATION OR SUSPENSION OF LICENSE, ALTERNATIVES, GROUNDS FOR — REINSTATEMENT PROVISIONS. — 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by

the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the physician's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

(f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

(g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges, failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination including failing to establish a valid physician-patient relationship pursuant to section 334.108, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

- (i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;
- (j) Being listed on any state or federal sexual offender registry;
- (k) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;
- (l) Failing to furnish details of a patient's medical records to other treating physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;
- (m) Failure of any applicant or licensee to cooperate with the board during any investigation;
- (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;
- (o) Failure to timely pay license renewal fees specified in this chapter;
- (p) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;
- (q) Failing to inform the board of the physician's current residence and business address;
- (r) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;
- (s) Any other conduct that is unethical or unprofessional involving a minor;
- (5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;
- (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or regulation adopted pursuant to this chapter or chapter 324;
- (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;
- (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;
- (9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter. A physician who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;
- (11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

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Matter underscored is proposed language.

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of the drug laws or rules and regulations of this state, including but not limited to any provision of chapter 195, any other state, or the federal government;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;

(15) Knowingly making a false statement, orally or in writing to the board;

(16) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the qualifications of an individual person or persons to diagnose, render, or perform health care services;

(17) Using, or permitting the use of, the person's name under the designation of "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(18) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(19) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a physician or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

(20) Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or], notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] evaluating or treating a patient in a manner inconsistent with section 334.506;

(21) Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

(22) Any person licensed to practice as a physician or surgeon, requiring, as a condition of the physician-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that physician's office or other entities under that physician's ownership or control. A physician shall provide the patient with a prescription which may be taken to the facility selected by the patient and a physician knowingly failing to disclose to a patient on a form approved by the advisory commission for professional physical therapists as established by section 334.625 which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the physician has a pecuniary interest in a physical therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one physician to another physician within a group of physicians practicing together;

(23) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another physician who is authorized by law to do so;

(24) Habitual intoxication or dependence on alcohol, evidence of which may include more than one alcohol-related enforcement contact as defined by section 302.525;

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program;

(26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or voluntary termination of a controlled substance authority while under investigation;

(27) For a physician to operate, conduct, manage, or establish an abortion facility, or for a physician to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such facility has failed to obtain or renew a license as an ambulatory surgical center.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a physician prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee, applicant or record custodian and a patient.

8. The act of lawfully dispensing, prescribing, administering, or otherwise distributing ivermectin tablets or hydroxychloroquine sulfate tablets for human use shall not be grounds for denial, suspension, revocation, or other disciplinary action by the board.

334.104. COLLABORATIVE PRACTICE ARRANGEMENTS, FORM, CONTENTS, DELEGATION OF AUTHORITY — RULES, APPROVAL, RESTRICTIONS — DISCIPLINARY ACTIONS — NOTICE OF COLLABORATIVE PRACTICE OR PHYSICIAN ASSISTANT AGREEMENTS TO BOARD, WHEN — CERTAIN NURSES MAY PROVIDE ANESTHESIA SERVICES, WHEN — CONTRACT LIMITATIONS.
— 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-

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Matter underscored is proposed language.

upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. (1) Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice registered nurse as defined in subdivision (2) of section 335.016. Collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

(2) Notwithstanding any other provision of this section to the contrary, a collaborative practice arrangement may delegate to an advanced practice registered nurse the authority to administer, dispense, or prescribe Schedule II controlled substances for hospice patients; provided, that the advanced practice registered nurse is employed by a hospice provider certified pursuant to chapter 197 and the advanced practice registered nurse is providing care to hospice patients pursuant to a collaborative practice arrangement that designates the certified hospice as a location where the advanced practice registered nurse is authorized to practice and prescribe.

(3) Such collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

(4) An advanced practice registered nurse may prescribe buprenorphine for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician.

3. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the advanced practice registered nurse;

(2) A list of all other offices or locations besides those listed in subdivision (1) of this subsection where the collaborating physician authorized the advanced practice registered nurse to prescribe;

(3) A requirement that there shall be posted at every office where the advanced practice registered nurse is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by an advanced practice registered nurse and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the advanced practice registered nurse;

(5) The manner of collaboration between the collaborating physician and the advanced practice registered nurse, including how the collaborating physician and the advanced practice registered nurse will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, except as specified in this paragraph. The following provisions shall apply with respect to this requirement:

a. Until August 28, 2025, an advanced practice registered nurse providing services in a correctional center, as defined in section 217.010, and his or her collaborating physician shall satisfy the geographic proximity requirement if they practice within two hundred miles by road of one another. An

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incarcerated patient who requests or requires a physician consultation shall be treated by a physician as soon as appropriate;

b. The collaborative practice arrangement may allow for geographic proximity to be waived for a maximum of twenty-eight days per calendar year for rural health clinics as defined by P.L. 95-210 (42 U.S.C. Section 1395x, as amended), as long as the collaborative practice arrangement includes alternative plans as required in paragraph (c) of this subdivision. This exception to geographic proximity shall apply only to independent rural health clinics, provider-based rural health clinics where the provider is a critical access hospital as provided in 42 U.S.C. Section 1395i-4, and provider-based rural health clinics where the main location of the hospital sponsor is greater than fifty miles from the clinic.];

c. The collaborative practice arrangement may allow for geographic proximity to be waived when the arrangement outlines the use of telehealth, as defined in section 191.1145;

d. In addition to the waivers and exemptions provided in this subsection, an application for a waiver for any other reason of any applicable geographic proximity shall be available if a physician is collaborating with an advanced practice registered nurse in excess of any geographic proximity limit. The board of nursing and the state board of registration for the healing arts shall review each application for a waiver of geographic proximity and approve the application if the boards determine that adequate supervision exists between the collaborating physician and the advanced practice registered nurse. The boards shall have forty-five calendar days to review the completed application for the waiver of geographic proximity. If no action is taken by the boards within forty-five days after the submission of the application for a waiver, then the application shall be deemed approved. If the application is denied by the boards, the provisions of section 536.063 for contested cases shall apply and govern proceedings for appellate purposes; and

e. The collaborating physician is required to maintain documentation related to this requirement and to present it to the state board of registration for the healing arts when requested; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency by the collaborating physician;

(6) A description of the advanced practice registered nurse's controlled substance prescriptive authority in collaboration with the physician, including a list of the controlled substances the physician authorizes the nurse to prescribe and documentation that it is consistent with each professional's education, knowledge, skill, and competence;

(7) A list of all other written practice agreements of the collaborating physician and the advanced practice registered nurse;

(8) The duration of the written practice agreement between the collaborating physician and the advanced practice registered nurse;

(9) A description of the time and manner of the collaborating physician's review of the advanced practice registered nurse's delivery of health care services. The description shall include provisions that the advanced practice registered nurse shall submit a minimum of ten percent of the charts documenting the advanced practice registered nurse's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days; [and]

(10) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the advanced practice registered nurse prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (9) of this subsection; and

(11) If a collaborative practice arrangement is used in clinical situations where a collaborating advanced practice registered nurse provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the collaborating physician or any other physician designated in the collaborative practice arrangement shall be present for sufficient

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periods of time, at least once every two weeks, except in extraordinary circumstances that shall be documented, to participate in a chart review and to provide necessary medical direction, medical services, consultations, and supervision of the health care staff.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036 may jointly promulgate rules regulating the use of collaborative practice arrangements. Such rules shall be limited to [specifying geographic areas to be covered,] the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements including delegating authority to prescribe controlled substances. Any rules relating to geographic proximity shall allow a collaborating physician and a collaborating advanced practice registered nurse to practice within two hundred miles by road of one another until August 28, 2025, if the nurse is providing services in a correctional center, as defined in section 217.010. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008.

5. The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his or her medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

6. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice [agreement] arrangement, including collaborative practice [agreements] arrangements delegating the authority to prescribe controlled substances, or physician assistant [agreement] collaborative practice arrangement and also report to the board the name of each licensed professional with whom the physician has entered into such [agreement] arrangement. The board [may] shall make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such [agreements] arrangements to ensure that [agreements] arrangements are carried out for compliance under this chapter.

7. Notwithstanding any law to the contrary, a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 shall be permitted to provide anesthesia services without a

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collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed. Nothing in this subsection shall be construed to prohibit or prevent a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016 from entering into a collaborative practice arrangement under this section, except that the collaborative practice arrangement may not delegate the authority to prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, or Schedule II - hydrocodone.

8. A collaborating physician shall not enter into a collaborative practice arrangement with more than six full-time equivalent advanced practice registered nurses, full-time equivalent licensed physician assistants, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to collaborative arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197 or population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to a certified registered nurse anesthetist providing anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of this section.

9. It is the responsibility of the collaborating physician to determine and document the completion of at least a one-month period of time during which the advanced practice registered nurse shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services, as defined by 20 CSR 2150-5.100 as of April 30, 2008, or to collaborative practice arrangements between a primary care physician and a primary care advanced practice registered nurse or a behavioral health physician and a behavioral health advanced practice registered nurse, where the collaborating physician is new to a patient population to which the advanced practice registered nurse is familiar.

10. No agreement made under this section shall supersede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital as defined in section 197.020 if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

11. No contract or other [agreement] term of employment shall require a physician to act as a collaborating physician for an advanced practice registered nurse against the physician's will. A physician shall have the right to refuse to act as a collaborating physician, without penalty, for a particular advanced practice registered nurse. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any advanced practice registered nurse, but this requirement shall not authorize a physician in implementing such protocols, standing orders, or delegation to violate applicable standards for safe medical practice established by hospital's medical staff.

12. No contract or other [agreement] term of employment shall require any advanced practice registered nurse to serve as a collaborating advanced practice registered nurse for any collaborating physician against the advanced practice registered nurse's will. An advanced practice registered nurse shall have the right to refuse to collaborate, without penalty, with a particular physician.

334.506. PHYSICAL THERAPISTS MAY PROVIDE CERTAIN SERVICES WITHOUT PRESCRIPTION OR DIRECTION OF AN APPROVED HEALTH CARE PROVIDER, WHEN — LIMITATIONS. — 1. As used in this section, the following terms mean:

(1) "Approved health care provider" [means], a person holding a current and active license as a physician and surgeon under this chapter, a chiropractor under chapter 331, a dentist under chapter 332, a podiatrist under chapter 330, a physician assistant under this chapter, an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in good standing;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(2) "Consult" or "consultation", communication by telephone, by fax, in writing, or in person with the patient's personally approved licensed health care provider or a licensed health care provider of the patient's designation.

2. A physical therapist ~~[shall not]~~ may evaluate and initiate treatment ~~[for a new injury or illness]~~ on a patient without a prescription or referral from an approved health care provider, provided that the physical therapist has a doctorate of physical therapy degree or has five years of clinical practice as a physical therapist.

3. A physical therapist may provide educational resources and training, develop fitness or wellness programs ~~[for asymptomatic persons]~~, or provide screening or consultative services within the scope of physical therapy practice without ~~[the]~~ a prescription ~~[and direction of]~~ or referral from an approved health care provider.

4. ~~[A physical therapist may examine and treat without the prescription and direction of an approved health care provider any person with a recurring self-limited injury within one year of diagnosis by an approved health care provider or a chronic illness that has been previously diagnosed by an approved health care provider. The physical therapist shall:]~~

~~(1) [Contact the patient's current approved health care provider within seven days of initiating physical therapy services under this subsection;] A physical therapist shall refer to an approved health care provider any patient whose condition at the time of evaluation or treatment is determined to be beyond the scope of practice of physical therapy. The physical therapist shall not provide physical therapy services or treatment after this referral has been made.~~

~~(2) [Not change an existing physical therapy referral available to the physical therapist without approval of the patient's current approved health care provider;] A physical therapist shall refer to an approved health care provider any patient who does not demonstrate measurable or functional improvement after ten visits or thirty days, whichever occurs first. The physical therapist shall not provide further therapy services or treatment after this referral has been made.~~

~~(3) [Refer to an approved health care provider any patient whose medical condition at the time of examination or treatment is determined to be beyond the scope of practice of physical therapy;]~~

~~(4) Refer to an approved health care provider any patient whose condition for which physical therapy services are rendered under this subsection has not been documented to be progressing toward documented treatment goals after six visits or fourteen days, whichever first occurs;~~

~~(5) Notify the patient's current approved health care provider prior to the continuation of treatment if treatment rendered under this subsection is to continue beyond thirty days. The physical therapist shall provide such notification for each successive period of thirty days.] (a) A physical therapist shall consult with an approved health care provider if, after every ten visits or thirty days, whichever occurs first, the patient has demonstrated measurable or functional improvement from the course of physical therapy services or treatment provided and the physical therapist believes that continuation of the course of physical therapy services or treatment is reasonable and necessary based on the physical therapist's evaluation of the patient. The physical therapist shall not provide further physical therapy services or treatment until the consultation has occurred.~~

~~(b) The consultation with the approved health care provider shall include information concerning:~~

~~a. The patient's condition for which physical therapy services or treatments were provided;~~

~~b. The basis for the course of services or treatment indicated, as determined from the physical therapy evaluation of the patient;~~

~~c. The physical therapy services or treatment provided before the date of the consultation;~~

~~d. The patient's demonstrated measurable or functional improvement from the services or treatment provided before the date of the consultation;~~

~~e. The continuing physical therapy services or treatment proposed to be provided following the consultation; and~~

f. The professional physical therapy basis for the continued physical therapy services or treatment to be provided.

(c) Continued physical therapy services or treatment following the consultation with and approval by an approved health care provider shall proceed in accordance with any feedback, advice, opinion, or direction of the approved health care provider. The physical therapist shall notify the consulting approved health care provider of continuing physical therapy services or treatment and the patient's progress at least every ten visits or thirty days after the initial consultation unless the consulting approved health care provider directs otherwise.

(d) The provisions of this subdivision shall not apply to physical therapy services performed within a primary or secondary school for individuals within ages not in excess of twenty-one years.

5. The provision of physical therapy services of evaluation and screening pursuant to this section shall be limited to a physical therapist, and any authority for evaluation and screening granted within this section may not be delegated. Upon each reinitiation of physical therapy services, a physical therapist shall provide a full physical therapy evaluation prior to the reinitiation of physical therapy treatment. [Physical therapy treatment provided pursuant to the provisions of subsection 4 of this section may be delegated by physical therapists to physical therapist assistants only if the patient's current approved health care provider has been so informed as part of the physical therapist's seven-day notification upon reinitiation of physical therapy services as required in subsection 4 of this section.] Nothing in this subsection shall be construed as to limit the ability of physical therapists or physical therapist assistants to provide physical therapy services in accordance with the provisions of this chapter, and upon the referral of an approved health care provider. Nothing in this subsection shall prohibit an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission on Accreditation in Physical Therapy Education (CAPTE) who satisfies supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry-level person shall be under the supervision of a physical therapist.

334.613. REFUSAL TO ISSUE OR RENEW A LICENSE, PROCEDURE — COMPLAINT MAY BE FILED, WHEN, REQUIREMENTS FOR PROCEEDINGS ON — DISCIPLINARY ACTION AUTHORIZED.

— 1. The board may refuse to issue or renew a license to practice as a physical therapist or physical therapist assistant for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew a license to practice as a physical therapist or physical therapist assistant, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

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2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment or services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;

(f) Performing services which have been declared by board rule to be of no physical therapy value;

(g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;

(h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;

(i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;

(j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;

(l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;

(m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(n) Failure to timely pay license renewal fees specified in this chapter;

(o) Violating a probation agreement with this board or any other licensing agency;

(p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;

(q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;

(7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or allowing any person to use his or her license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;

(12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or

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"R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or[, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing] evaluating or treating a patient in a manner inconsistent with section 334.506;

(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under section 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

334.735. DEFINITIONS — SCOPE OF PRACTICE — PROHIBITED ACTIVITIES — BOARD OF HEALING ARTS TO ADMINISTER LICENSING PROGRAM — DUTIES AND LIABILITY OF PHYSICIANS — COLLABORATIVE PRACTICE ARRANGEMENT REQUIREMENTS. — 1. As used in sections 334.735 to 334.749, the following terms mean:

- (1) "Applicant", any individual who seeks to become licensed as a physician assistant;
- (2) "Certification" or "registration", a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;
- (3) "Certifying entity", the nongovernmental agency or association which certifies or registers individuals who have completed academic and training requirements;
- (4) "Collaborative practice arrangement", written agreements, jointly agreed upon protocols, or standing orders, all of which shall be in writing, for the delivery of health care services;
- (5) "Department", the department of commerce and insurance or a designated agency thereof;
- (6) "License", a document issued to an applicant by the board acknowledging that the applicant is entitled to practice as a physician assistant;
- (7) "Physician assistant", a person who has graduated from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor agency, prior to 2001, or the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;
- (8) "Recognition", the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749.

2. The scope of practice of a physician assistant shall consist only of the following services and procedures:

- (1) Taking patient histories;
- (2) Performing physical examinations of a patient;
- (3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;
- (4) Performing routine therapeutic procedures;
- (5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

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Matter underscored is proposed language.

(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a collaborating physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery; and

(9) Performing such other tasks not prohibited by law under the collaborative practice arrangement with a licensed physician as the physician assistant has been trained and is proficient to perform.

3. Physician assistants shall not perform or prescribe abortions.

4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless pursuant to a collaborative practice arrangement in accordance with the law, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a collaborative practice arrangement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall only prescribe controlled substances in accordance with section 334.747;

(2) The types of drugs, medications, devices or therapies prescribed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the collaborating physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant **[and the supervising physician]**;

(4) A physician assistant, or advanced practice registered nurse as defined in section 335.016 may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients; and

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the collaborating physician is not qualified or authorized to prescribe.

5. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician collaboration or in any location where the collaborating physician is not immediately available for consultation, assistance and intervention, except as otherwise provided in this section, and in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant; except that, nothing in this subsection shall be construed to prohibit a physician assistant from enrolling with a third-party plan or the department of social services as a MO HealthNet or Medicaid provider while acting under a collaborative practice arrangement between the physician and physician assistant.

6. The licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536 establishing licensing and renewal procedures, collaboration, collaborative practice arrangements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to be licensed as physician assistants. All applicants for physician assistant licensure who complete a physician assistant training program after January 1, 2008, shall have a master's degree from a physician assistant program.

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7. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by the physician assistant.

8. (1) A physician may enter into collaborative practice arrangements with physician assistants. Collaborative practice arrangements, which shall be in writing, may delegate to a physician assistant the authority to prescribe, administer, or dispense drugs and provide treatment which is within the skill, training, and competence of the physician assistant. Collaborative practice arrangements may delegate to a physician assistant, as defined in section 334.735, the authority to administer, dispense, or prescribe controlled substances listed in Schedules III, IV, and V of section 195.017, and Schedule II - hydrocodone. Schedule III narcotic controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill. Such collaborative practice arrangements shall be in the form of a written arrangement, jointly agreed-upon protocols, or standing orders for the delivery of health care services.

(2) Notwithstanding any other provision of this section to the contrary, a collaborative practice arrangement may delegate to a physician assistant the authority to administer, dispense, or prescribe Schedule II controlled substances for hospice patients; provided, that the physician assistant is employed by a hospice provider certified pursuant to chapter 197 and the physician assistant is providing care to hospice patients pursuant to a collaborative practice arrangement that designates the certified hospice as a location where the physician assistant is authorized to practice and prescribe.

9. The written collaborative practice arrangement shall contain at least the following provisions:

(1) Complete names, home and business addresses, zip codes, and telephone numbers of the collaborating physician and the physician assistant;

(2) A list of all other offices or locations, other than those listed in subdivision (1) of this subsection, where the collaborating physician has authorized the physician assistant to prescribe;

(3) A requirement that there shall be posted at every office where the physician assistant is authorized to prescribe, in collaboration with a physician, a prominently displayed disclosure statement informing patients that they may be seen by a physician assistant and have the right to see the collaborating physician;

(4) All specialty or board certifications of the collaborating physician and all certifications of the physician assistant;

(5) The manner of collaboration between the collaborating physician and the physician assistant, including how the collaborating physician and the physician assistant will:

(a) Engage in collaborative practice consistent with each professional's skill, training, education, and competence;

(b) Maintain geographic proximity, as determined by the board of registration for the healing arts; and

(c) Provide coverage during absence, incapacity, infirmity, or emergency of the collaborating physician;

(6) A list of all other written collaborative practice arrangements of the collaborating physician and the physician assistant;

(7) The duration of the written practice arrangement between the collaborating physician and the physician assistant;

(8) A description of the time and manner of the collaborating physician's review of the physician assistant's delivery of health care services. The description shall include provisions that the physician assistant shall submit a minimum of ten percent of the charts documenting the physician assistant's delivery of health care services to the collaborating physician for review by the collaborating physician, or any other physician designated in the collaborative practice arrangement, every fourteen days. Reviews may be conducted electronically;

(9) The collaborating physician, or any other physician designated in the collaborative practice arrangement, shall review every fourteen days a minimum of twenty percent of the charts in which the

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Matter underscored is proposed language.

physician assistant prescribes controlled substances. The charts reviewed under this subdivision may be counted in the number of charts required to be reviewed under subdivision (8) of this subsection; [and]

(10) A statement that no collaboration requirements in addition to the federal law shall be required for a physician-physician assistant team working in a certified community behavioral health clinic as defined by Pub.L. 113-93, or a rural health clinic under the federal Rural Health Services Act, Pub.L. 95-210, as amended, or a federally qualified health center as defined in 42 U.S.C. Section [1395 of the Public Health Service Act] 1395x, as amended; and

(11) If a collaborative practice arrangement is used in clinical situations where a collaborating physician assistant provides health care services that include the diagnosis and initiation of treatment for acutely or chronically ill or injured persons, then the collaborating physician or any other physician designated in the collaborative practice arrangement shall be present for sufficient periods of time, at least once every two weeks, except in extraordinary circumstances that shall be documented, to participate in a chart review and to provide necessary medical direction, medical services, consultations, and supervision of the health care staff.

10. The state board of registration for the healing arts under section 334.125 may promulgate rules regulating the use of collaborative practice arrangements.

11. The state board of registration for the healing arts shall not deny, revoke, suspend, or otherwise take disciplinary action against a collaborating physician for health care services delegated to a physician assistant, provided that the provisions of this section and the rules promulgated thereunder are satisfied.

12. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice arrangement, including collaborative practice arrangements delegating the authority to prescribe controlled substances, and also report to the board the name of each physician assistant with whom the physician has entered into such arrangement. The board may make such information available to the public. The board shall track the reported information and may routinely conduct random reviews of such arrangements to ensure that the arrangements are carried out in compliance with this chapter.

13. The collaborating physician shall determine and document the completion of a period of time during which the physician assistant shall practice with the collaborating physician continuously present before practicing in a setting where the collaborating physician is not continuously present. This limitation shall not apply to collaborative arrangements of providers of population-based public health services as defined by 20 CSR 2150-5.100 as of April 30, 2009.

14. No contract or other arrangement shall require a physician to act as a collaborating physician for a physician assistant against the physician's will. A physician shall have the right to refuse to act as a supervising physician, without penalty, for a particular physician assistant. No contract or other agreement shall limit the collaborating physician's ultimate authority over any protocols or standing orders or in the delegation of the physician's authority to any physician assistant. No contract or other arrangement shall require any physician assistant to collaborate with any physician against the physician assistant's will. A physician assistant shall have the right to refuse to collaborate, without penalty, with a particular physician.

15. Physician assistants shall file with the board a copy of their collaborating physician form.

16. No physician shall be designated to serve as a collaborating physician for more than six full-time equivalent licensed physician assistants, full-time equivalent advanced practice registered nurses, or full-time equivalent assistant physicians, or any combination thereof. This limitation shall not apply to physician assistant collaborative practice arrangements of hospital employees providing inpatient care service in hospitals as defined in chapter 197, or to a certified registered nurse anesthetist providing

anesthesia services under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed as set out in subsection 7 of section 334.104.

17. No arrangement made under this section shall supercede current hospital licensing regulations governing hospital medication orders under protocols or standing orders for the purpose of delivering inpatient or emergency care within a hospital, as defined in section 197.020, if such protocols or standing orders have been approved by the hospital's medical staff and pharmaceutical therapeutics committee.

334.747. PRESCRIBING CONTROLLED SUBSTANCES AUTHORIZED, WHEN — COLLABORATING PHYSICIANS — CERTIFICATION. — 1. (1) A physician assistant with a certificate of controlled substance prescriptive authority as provided in this section may prescribe any controlled substance listed in Schedule III, IV, or V of section 195.017, and may have restricted authority in Schedule II, when delegated the authority to prescribe controlled substances in a collaborative practice arrangement. Such authority shall be listed on the collaborating physician form on file with the state board of healing arts. The collaborating physician shall maintain the right to limit a specific scheduled drug or scheduled drug category that the physician assistant is permitted to prescribe. Any limitations shall be listed on the collaborating physician form. Prescriptions for Schedule II medications prescribed by a physician assistant with authority to prescribe delegated in a collaborative practice arrangement are restricted to only those medications containing hydrocodone. Physician assistants shall not prescribe controlled substances for themselves or members of their families. Schedule III narcotic controlled substances and Schedule II - hydrocodone prescriptions shall be limited to a five-day supply without refill, except that buprenorphine may be prescribed for up to a thirty-day supply without refill for patients receiving medication-assisted treatment for substance use disorders under the direction of the collaborating physician. Physician assistants who are authorized to prescribe controlled substances under this section shall register with the federal Drug Enforcement Administration and the state bureau of narcotics and dangerous drugs, and shall include the Drug Enforcement Administration registration number on prescriptions for controlled substances.

(2) Notwithstanding any other provision of this section to the contrary, a collaborative practice arrangement may delegate to a physician assistant the authority to administer, dispense, or prescribe Schedule II controlled substances for hospice patients; provided, that the physician assistant is employed by a hospice provider certified pursuant to chapter 197 and the physician assistant is providing care to hospice patients pursuant to a collaborative practice arrangement that designates the certified hospice as a location where the physician assistant is authorized to practice and prescribe.

2. The collaborating physician shall be responsible to determine and document the completion of at least one hundred twenty hours in a four-month period by the physician assistant during which the physician assistant shall practice with the collaborating physician on-site prior to prescribing controlled substances when the collaborating physician is not on-site. Such limitation shall not apply to physician assistants of population-based public health services as defined in 20 CSR 2150-5.100 as of April 30, 2009.

3. A physician assistant shall receive a certificate of controlled substance prescriptive authority from the board of healing arts upon verification of the completion of the following educational requirements:

(1) Successful completion of an advanced pharmacology course that includes clinical training in the prescription of drugs, medicines, and therapeutic devices. A course or courses with advanced pharmacological content in a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency shall satisfy such requirement;

(2) Completion of a minimum of three hundred clock hours of clinical training by the collaborating physician in the prescription of drugs, medicines, and therapeutic devices;

(3) Completion of a minimum of one year of supervised clinical practice or supervised clinical rotations. One year of clinical rotations in a program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or its predecessor agency, which includes pharmacotherapeutics as a component of its clinical training, shall satisfy such requirement. Proof of such training shall serve to document experience in the prescribing of drugs, medicines, and therapeutic devices;

(4) A physician assistant previously licensed in a jurisdiction where physician assistants are authorized to prescribe controlled substances may obtain a state bureau of narcotics and dangerous drugs registration if a collaborating physician can attest that the physician assistant has met the requirements of subdivisions (1) to (3) of this subsection and provides documentation of existing federal Drug Enforcement Agency registration.

334.1600. CITATION OF LAW. — Sections 334.1600 to 334.1720 shall be known and may be cited as the "Interstate Medical Licensure Compact".

334.1605. PURPOSE. — In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the Interstate Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The Compact creates another pathway for licensure and does not otherwise change a state's existing Medical Practice Act. The Compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the Compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the Compact.

334.1610. DEFINITIONS. — In this compact:

(1) "Bylaws" means those bylaws established by the Interstate Commission pursuant to section 334.1655.

(2) "Commissioner" means the voting representative appointed by each member board pursuant to section 334.1655.

(3) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

(4) "Expedited License" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the Compact.

(5) "Interstate Commission" means the interstate commission created pursuant to section 334.1655.

(6) "License" means authorization by a member state for a physician to engage in the practice of medicine, which would be unlawful without authorization.

(7) "Medical Practice Act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

(8) "Member Board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government.

(9) "Member State" means a state that has enacted the Compact.

(10) "Practice of Medicine" means that clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the Medical Practice Act of a member state.

(11) "Physician" means any person who:

(a) Is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent;

(b) Passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;

(c) Successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

(d) Holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;

(e) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;

(f) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(g) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license;

(h) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration; and

(i) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

(12) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.

(13) "Rule" means a written statement by the Interstate Commission promulgated pursuant to section 334.1660 of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(14) "State" means any state, commonwealth, district, or territory of the United States.

(15) "State of Principal License" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the Compact.

334.1615. ELIGIBILITY. — 1. A physician must meet the eligibility requirements as defined in subdivision (11) of section 334.1610 to receive an expedited license under the terms and provisions of the Compact.

2. A physician who does not meet the requirements of subdivision (11) of section 334.1610 may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the Compact, relating to the issuance of a license to practice medicine in that state.

334.1620. DESIGNATION OF STATE OF PRINCIPAL LICENSE. — 1. A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure

through the Compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:

- (1) The state of principal residence for the physician, or
 - (2) The state where at least 25% of the practice of medicine occurs, or
 - (3) The location of the physician's employer, or
 - (4) If no state qualifies under subdivision (1), (2), or (3) of this subsection, the state designated as state of residence for purpose of federal income tax.
2. A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements of subsection 1 of this section.
3. The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

334.1625. APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE. — 1. A physician seeking licensure through the Compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

2. Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the Interstate Commission.

(1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary source verification where already primary source verified by the state of principal license.

(2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. §731.202.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

3. Upon verification in subsection 2 of this section, physicians eligible for an expedited license shall complete the registration process established by the Interstate Commission to receive a license in a member state selected pursuant to subsection 1 of this section, including the payment of any applicable fees.

4. After receiving verification of eligibility under subsection 2 of this section and any fees under subsection 3 of this section, a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the Medical Practice Act and all applicable laws and regulations of the issuing member board and member state.

5. An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

6. An expedited license obtained through the Compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

7. The Interstate Commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.

334.1630. FEES FOR EXPEDITED LICENSURE. — 1. A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the Compact.

2. The Interstate Commission is authorized to develop rules regarding fees for expedited licenses.

334.1635. RENEWAL AND CONTINUED PARTICIPATION. . — 1. A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the physician:

(1) Maintains a full and unrestricted license in a state of principal license;

(2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license; and

(4) Has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.

2. Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

3. The Interstate Commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

4. Upon receipt of any renewal fees collected in subsection 3 of this section, a member board shall renew the physician's license.

5. Physician information collected by the Interstate Commission during the renewal process will be distributed to all member boards.

6. The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the Compact.

334.1640. COORDINATED INFORMATION SYSTEM. — 1. The Interstate Commission shall establish a database of all physicians licensed, or who have applied for licensure, under section 334.1625.

2. Notwithstanding any other provision of law, member boards shall report to the Interstate Commission any public action or complaints against a licensed physician who has applied or received an expedited license through the Compact.

3. Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the Interstate Commission.

4. Member boards may report any non-public complaint, disciplinary, or investigatory information not required by subsection 3 of this section to the Interstate Commission.

5. Member boards shall share complaint or disciplinary information about a physician upon request of another member board.

6. All information provided to the Interstate Commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

7. The Interstate Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

334.1645. JOINT INVESTIGATIONS. — 1. Licensure and disciplinary records of physicians are deemed investigative.

2. In addition to the authority granted to a member board by its respective Medical Practice Act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards.

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3. A subpoena issued by a member state shall be enforceable in other member states.
4. Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.
5. Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine.

334.1650. DISCIPLINARY ACTIONS. — 1. Any disciplinary action taken by any member board against a physician licensed through the Compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the Medical Practice Act or regulations in that state.

2. If a license granted to a physician by the member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the Medical Practice Act of that state.

3. If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:

(1) Impose the same or lesser sanction(s) against the physician so long as such sanctions are consistent with the Medical Practice Act of that state; or

(2) Pursue separate disciplinary action against the physician under its respective Medical Practice Act, regardless of the action taken in other member states.

4. If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit the member board(s) to investigate the basis for the action under the Medical Practice Act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety (90) day suspension period in a manner consistent with the Medical Practice Act of that state.

334.1655. INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION. — 1. The member states hereby create the "Interstate Medical Licensure Compact Commission".

2. The purpose of the Interstate Commission is the administration of the Interstate Medical Licensure Compact, which is a discretionary state function.

3. The Interstate Commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the Compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the Compact.

4. The Interstate Commission shall consist of two voting representatives appointed by each member state who shall serve as Commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A Commissioner shall be a(n):

(1) Allopathic or osteopathic physician appointed to a member board;

(2) Executive director, executive secretary, or similar executive of a member board; or

(3) Member of the public appointed to a member board.

5. The Interstate Commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the Commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

6. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

7. Each Commissioner participating at a meeting of the Interstate Commission is entitled to one vote. A majority of Commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. A Commissioner shall not delegate a vote to another Commissioner. In the absence of its Commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of subsection 4 of this section.

8. The Interstate Commission shall provide public notice of all meetings and all meetings shall be open to the public. The Interstate Commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the Commissioners present that an open meeting would be likely to:

(1) Relate solely to the internal personnel practice and procedures of the Interstate Commission;

(2) Discuss matters specifically exempted from disclosure by federal statute;

(3) Discuss trade secrets, commercial, or financial information that is privileged or confidential;

(4) Involve accusing a person of a crime, or formally censuring a person;

(5) Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) Discuss investigative records compiled for law enforcement purposes; or

(7) Specifically relate to the participation in a civil action or other legal proceeding.

9. The Interstate Commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.

10. The Interstate Commission shall make its information and official records, to the extent not otherwise designated in the Compact or by its rules, available to the public for inspection.

11. The Interstate Commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. When acting on behalf of the Interstate Commission, the executive committee shall oversee the administration of the Compact including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties as necessary.

12. The Interstate Commission shall establish other committees for governance and administration of the Compact.

334.1660. POWERS AND DUTIES OF THE INTERSTATE COMMISSION. — The powers and duties of the Interstate Commission shall be to:

(1) Oversee and maintain the administration of the Compact;

(2) Promulgate rules which shall be binding to the extent and in the manner provided for in the Compact;

(3) Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the Compact, its bylaws, rules, and actions;

(4) Enforce compliance with Compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

(5) Establish and appoint committees including, but not limited to, an executive committee as required by section 334.1655, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;

(6) Pay, or provide for the payment of the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission;

(7) Establish and maintain one or more offices;

(8) Borrow, accept, hire, or contract for services of personnel;

(9) Purchase and maintain insurance and bonds;

(10) Employ an executive director who shall have such powers to employ, select or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation;

(11) Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

(12) Accept donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies established by the Interstate Commission;

(13) Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use, any property, real, personal, or mixed;

(14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(15) Establish a budget and make expenditures;

(16) Adopt a seal and bylaws governing the management and operation of the Interstate Commission;

(17) Report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the Interstate Commission;

(18) Coordinate education, training, and public awareness regarding the Compact, its implementation, and its operation;

(19) Maintain records in accordance with the bylaws;

(20) Seek and obtain trademarks, copyrights, and patents; and

(21) Perform such functions as may be necessary or appropriate to achieve the purpose of the Compact.

334.1665. FINANCE POWERS. — 1. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

2. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

3. The Interstate Commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state.

4. The Interstate Commission shall be subject to a yearly financial audit conducted by a certified or licensed accountant and the report of the audit shall be included in the annual report of the Interstate Commission.

334.1670. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION. — 1. The Interstate Commission shall, by a majority of Commissioners present and voting, adopt bylaws to

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govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact within twelve (12) months of the first Interstate Commission meeting.

2. The Interstate Commission shall elect or appoint annually from among its Commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.

3. Officers selected in subsection 2 of this section shall serve without remuneration for the Interstate Commission.

4. The officers and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

5. The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purpose of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

6. The Interstate Commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

7. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgement, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of the Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

334.1675. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION. — 1. The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

2. Rules deemed appropriate for the operations of the Interstate Commission shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" of 2010, and subsequent amendments thereto.

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3. Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the Interstate Commission.

334.1680. OVERSIGHT OF THE INTERSTATE COMPACT. — 1. The executive, legislative, and judicial branches of state government in each member state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of the Compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the Compact which may affect the powers, responsibilities or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all services of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, the Compact, or promulgated rules.

334.1685. ENFORCEMENT OF INTERSTATE COMPACT. — 1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the Compact.

2. The Interstate Commission may, by majority vote of the Commissioners, initiate legal action in the United States District Court for the District of Columbia, or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the Compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or regulation of a profession.

334.1690. DEFAULT PROCEDURES. — 1. The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the Compact, or the rules and bylaws of the Interstate Commission promulgated under the Compact.

2. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Compact, or the bylaws or promulgated rules, the Interstate Commission shall:

(1) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; and

(2) Provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Compact upon an affirmative vote of a majority of the Commissioners and all rights, privileges, and benefits conferred by the Compact shall terminate on the effective date of termination. A cure of the

default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

5. The Interstate Commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.

6. The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.

7. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the Compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

8. The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

334.1695. DISPUTE RESOLUTION. — 1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the Compact and which may arise among member states or member boards.

2. The Interstate Commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

334.1700. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT. — 1. Any state is eligible to become a member of the Compact.

2. The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than seven (7) states. Thereafter, it shall become effective and binding on a state upon enactment of the Compact into law by that state.

3. The governors of non-member states, or their designees, shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the Compact by all states.

4. The Interstate Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

334.1705. WITHDRAWAL. — 1. Once effective, the Compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the Compact by specifically repealing the statute which enacted the Compact into law.

2. Withdrawal from the Compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state.

4. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt of notice provided under subsection 3 of this section.

5. The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

6. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Interstate Commission.

7. The Interstate Commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

334.1710. DISSOLUTION. — 1. The Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership of the Compact to one (1) member state.

2. Upon the dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded, and surplus funds shall be distributed in accordance with the bylaws.

334.1715. SEVERABILITY AND CONSTRUCTION. — 1. The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

2. The provisions of the Compact shall be liberally construed to effectuate its purposes.

3. Nothing in the Compact shall be construed to prohibit the applicability of other interstate compacts to which the member states are members.

334.1720. BINDING EFFECT OF COMPACT AND OTHER LAWS. — 1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

2. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

3. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

4. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

5. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

335.016. DEFINITIONS. — As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) "Accredited", the official authorization or status granted by an agency for a program through a voluntary process;

(2) "Advanced practice registered nurse" or "APRN", a [nurse who has education beyond the basic nursing education and is certified by a nationally recognized professional organization as a certified nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall promulgate rules specifying which nationally recognized professional organization certifications are to be recognized for the purposes of this section. Advanced practice nurses and only such individuals may use the title "Advanced Practice Registered Nurse" and the abbreviation "APRN"] person who is licensed under the provisions of this chapter to engage in the practice of advanced practice nursing as a certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist;

(3) "Approval", official recognition of nursing education programs which meet standards established by the board of nursing;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter underscored is proposed language.

- (4) "Board" or "state board", the state board of nursing;
- (5) "Certified clinical nurse specialist", a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;
- (6) "Certified nurse midwife", a registered nurse who is currently certified as a nurse midwife by the American [College of Nurse Midwives] Midwifery Certification Board, or other nationally recognized certifying body approved by the board of nursing;
- (7) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;
- (8) "Certified registered nurse anesthetist", a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the [Council on Recertification of Nurse Anesthetists] National Board of Certification and Recertification for Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;
- (9) "Executive director", a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;
- (10) "Inactive [nurse] license status", as defined by rule pursuant to section 335.061;
- (11) "Lapsed license status", as defined by rule under section 335.061;
- (12) "Licensed practical nurse" or "practical nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;
- (13) "Licensure", the issuing of a license [to practice professional or practical nursing] to candidates who have met the [specified] requirements specified under this chapter, authorizing the person to engage in the practice of advanced practice, professional, or practical nursing, and the recording of the names of those persons as holders of a license to practice advanced practice, professional, or practical nursing;
- (14) "Practice of advanced practice nursing", the performance for compensation of activities and services consistent with the required education, training, certification, demonstrated competencies, and experiences of an advanced practice registered nurse;
- (15) "Practice of practical nursing", the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term "direction" shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;
- [(15)] (16) "Practice of professional nursing", the performance for compensation of any act or action which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social, behavioral, and nursing sciences, including, but not limited to:
 - (a) Responsibility for the promotion and teaching of health care and the prevention of illness to the patient and his or her family;
 - (b) Assessment, data collection, nursing diagnosis, nursing care, evaluation, and counsel of persons who are ill, injured, or experiencing alterations in normal health processes;
 - (c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination and assistance in the determination and delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

~~[(16) A]~~ (17) "Registered professional nurse" or "registered nurse", a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

~~[(17)]~~ (18) "Retired license status", any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. PRESCRIPTIVE AUTHORITY, WHEN — CERTIFICATE OF CONTROLLED SUBSTANCE PRESCRIPTIVE AUTHORITY, ISSUED WHEN. — 1. An advanced practice registered nurse's prescriptive authority shall include authority to:

(1) Prescribe, dispense, and administer medications and nonscheduled legend drugs, as defined in section 338.330, within such APRN's practice and specialty; and

(2) Notwithstanding any other provision of this chapter to the contrary, receive, prescribe, administer, and provide nonscheduled legend drug samples from pharmaceutical manufacturers to patients at no charge to the patient or any other party.

2. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice registered nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the prescription of drugs, medicines, and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Provides evidence of a minimum of one thousand hours of practice in an advanced practice nursing category prior to application for a certificate of prescriptive authority. The one thousand hours shall not include clinical hours obtained in the advanced practice nursing education program. The one thousand hours of practice in an advanced practice nursing category may include transmitting a prescription order orally or telephonically or to an inpatient medical record from protocols developed in collaboration with and signed by a licensed physician; and

(4) Has a controlled substance prescribing authority delegated in the collaborative practice arrangement under section 334.104 with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.

335.036. DUTIES OF BOARD — FEES SET, HOW — FUND, SOURCE, USE, FUNDS TRANSFERRED FROM, WHEN — RULEMAKING. — 1. The board shall:

(1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the board may appoint, employ and fix the compensation of a legal counsel and such board personnel as defined in subdivision (4) of subsection 11 of section 324.001 as are necessary to administer the provisions of sections 335.011 to ~~[335.096]~~ 335.099;

(2) Adopt and revise such rules and regulations as may be necessary to enable it to carry into effect the provisions of sections 335.011 to ~~[335.096]~~ 335.099;

(3) Prescribe minimum standards for educational programs preparing persons for licensure as a registered professional nurse or licensed practical nurse pursuant to the provisions of sections 335.011 to ~~[335.096]~~ 335.099;

(4) Provide for surveys of such programs every five years and in addition at such times as it may deem necessary;

(5) Designate as "approved" such programs as meet the requirements of sections 335.011 to [335.096] 335.099 and the rules and regulations enacted pursuant to such sections; and the board shall annually publish a list of such programs;

(6) Deny or withdraw approval from educational programs for failure to meet prescribed minimum standards;

(7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

(8) Cause the prosecution of all persons violating provisions of sections 335.011 to [335.096] 335.099, and may incur such necessary expenses therefor;

(9) Keep a record of all the proceedings; and make an annual report to the governor and to the director of the department of commerce and insurance.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

3. All fees received by the board pursuant to the provisions of sections 335.011 to [335.096] 335.099 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund. All administrative costs and expenses of the board shall be paid from appropriations made for those purposes. The board is authorized to provide funding for the nursing education incentive program established in sections 335.200 to 335.203.

4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule, permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

335.046. LICENSE, APPLICATION FOR — QUALIFICATIONS FOR, FEE — HEARING ON

DENIAL OF LICENSE. — 1. An applicant for a license to practice as a registered professional nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. The applicant shall be of good moral character and have completed at least the high school course of study, or the equivalent thereof as determined by the state board of education, and have successfully completed the basic professional curriculum in an accredited or approved school of nursing and earned a professional nursing degree or diploma. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking lands shall be required to submit evidence of proficiency in the English language. The applicant must be approved by the board

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Matter underscored is proposed language.

and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice nursing as a registered professional nurse. The applicant for a license to practice registered professional nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

2. An applicant for license to practice as a licensed practical nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. Such applicant shall be of good moral character, and have completed at least two years of high school, or its equivalent as established by the state board of education, and have successfully completed a basic prescribed curriculum in a state-accredited or approved school of nursing, earned a nursing degree, certificate or diploma and completed a course approved by the board on the role of the practical nurse. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English-speaking countries shall be required to submit evidence of their proficiency in the English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice as a licensed practical nurse. The applicant for a license to practice licensed practical nursing shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by rule.

3. (1) An applicant for a license to practice as an advanced practice registered nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain:

(a) Statements showing the applicant's education and other such pertinent information as the board may require; and

(b) A statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

(2) The applicant for a license to practice as an advanced practice registered nurse shall pay a fee in such amount as may be set by the board. The fee shall be uniform for all applicants.

(3) An applicant shall:

(a) Hold a current registered professional nurse license or privilege to practice, shall not be currently subject to discipline or any restrictions, and shall not hold an encumbered license or privilege to practice as a registered professional nurse or advanced practice registered nurse in any state or territory;

(b) Have completed an accredited graduate-level advanced practice registered nurse program and achieved at least one certification as a clinical nurse specialist, nurse midwife, nurse practitioner, or registered nurse anesthetist, with at least one population focus prescribed by rule of the board;

(c) Be currently certified by a national certifying body recognized by the Missouri state board of nursing in the advanced practice registered nurse role; and

(d) Have a population focus on his or her certification, corresponding with his or her educational advanced practice registered nurse program.

(4) Any person holding a document of recognition to practice nursing as an advanced practice registered nurse in this state that is current on August 28, 2023, shall be deemed to be licensed as an advanced practice registered nurse under the provisions of this section and shall be eligible for renewal of such license under the conditions and standards prescribed in this chapter and as prescribed by rule.

4. Upon refusal of the board to allow any applicant to ~~[sit for]~~ take either the registered professional nurses' examination or the licensed practical nurses' examination, ~~[as the case may be,]~~ or upon refusal to issue an advanced practice registered nurse license, the board shall comply with the provisions of section 621.120 and advise the applicant of his or her right to have a hearing before the administrative hearing commission. The administrative hearing commission shall hear complaints taken pursuant to section 621.120.

~~[4.]~~ 5. The board shall not deny a license because of sex, religion, race, ethnic origin, age or political affiliation.

335.051. RECIPROCITY — LICENSE WITHOUT EXAMINATION, TEMPORARY LICENSE, WHEN. — 1. The board shall issue a license to practice nursing as ~~[either]~~ an advanced practice registered nurse, a registered professional nurse, or a licensed practical nurse without examination to an applicant who has duly become licensed as ~~[a]~~ an advanced practice registered nurse, registered nurse, or licensed practical nurse pursuant to the laws of another state, territory, or foreign country if the applicant meets the qualifications required of advanced practice registered nurses, registered nurses, or licensed practical nurses in this state at the time the applicant was originally licensed in the other state, territory, or foreign country.

2. Applicants from foreign countries shall be licensed as prescribed by rule.

3. Upon application, the board shall issue a temporary permit to an applicant pursuant to subsection 1 of this section for a license as ~~[either]~~ an advanced practice registered nurse, a registered professional nurse, or a licensed practical nurse who has made a prima facie showing that the applicant meets all of the requirements for such a license. The temporary permit shall be effective only until the board shall have had the opportunity to investigate his or her qualifications for licensure pursuant to subsection 1 of this section and to notify the applicant that his or her application for a license has been either granted or rejected. In no event shall such temporary permit be in effect for more than twelve months after the date of its issuance nor shall a permit be reissued to the same applicant. No fee shall be charged for such temporary permit. The holder of a temporary permit which has not expired, or been suspended or revoked, shall be deemed to be the holder of a license issued pursuant to section 335.046 until such temporary permit expires, is terminated or is suspended or revoked.

335.056. RENEWAL OF LICENSE, WHEN DUE, FEE — UNLICENSED PRACTICE PROHIBITED — APRN RENEWAL, REQUIREMENTS. — 1. The license of every person licensed under the provisions of ~~[sections 335.011 to 335.096]~~ this chapter shall be renewed as provided. An application for renewal of license shall be mailed to every person to whom a license was issued or renewed during the current licensing period. The applicant shall complete the application and return it to the board by the renewal date with a renewal fee in an amount to be set by the board. The fee shall be uniform for all applicants. The certificates of renewal shall render the holder thereof a legal practitioner of nursing for the period stated in the certificate of renewal. Any person who practices nursing as an advanced practice registered nurse, a registered professional nurse, or ~~[as]~~ a licensed practical nurse during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of the provisions of sections 335.011 to ~~[335.096]~~ 335.099.

2. The renewal of advanced practice registered nurse licenses and registered professional nurse licenses shall occur at the same time, as prescribed by rule. Failure to renew and maintain the registered professional nurse license or privilege to practice or failure to provide the required fee and evidence of active certification or maintenance of certification as prescribed by rules and regulations shall result in expiration of the advanced practice registered nurse license.

3. A licensed nurse who holds an APRN license shall be disciplined on his or her APRN license for any violations of this chapter.

335.076. TITLES, RN, LPN, AND APRN, WHO MAY USE. — 1. Any person who holds a license to practice professional nursing in this state may use the title "Registered Professional Nurse" and the abbreviation ["R.N." "RN"]. No other person shall use the title "Registered Professional Nurse" or the abbreviation ["R.N." "RN"]. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse.

2. Any person who holds a license to practice practical nursing in this state may use the title "Licensed Practical Nurse" and the abbreviation ["L.P.N." "LPN"]. No other person shall use the title "Licensed Practical Nurse" or the abbreviation ["L.P.N." "LPN"]. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse.

3. Any person who holds a license [or recognition] to practice advanced practice nursing in this state may use the title "Advanced Practice Registered Nurse", the designations of "certified registered nurse anesthetist", "certified nurse midwife", "certified clinical nurse specialist", and "certified nurse practitioner", and the [abbreviation] abbreviations "APRN", [and any other title designations appearing on his or her license] "CRNA", "CNM", "CNS", and "NP", respectively. No other person shall use the title "Advanced Practice Registered Nurse" or the abbreviation "APRN". No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is an advanced practice registered nurse.

4. No person shall practice or offer to practice professional nursing, practical nursing, or advanced practice nursing in this state or use any title, sign, abbreviation, card, or device to indicate that such person is a practicing professional nurse, practical nurse, or advanced practice nurse unless he or she has been duly licensed under the provisions of this chapter.

5. In the interest of public safety and consumer awareness, it is unlawful for any person to use the title "nurse" in reference to himself or herself in any capacity, except individuals who are or have been licensed as a registered nurse, licensed practical nurse, or advanced practice registered nurse under this chapter.

6. Notwithstanding any law to the contrary, nothing in this chapter shall prohibit a Christian Science nurse from using the title "Christian Science nurse", so long as such person provides only religious nonmedical services when offering or providing such services to those who choose to rely upon healing by spiritual means alone and does not hold his or her own religious organization and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist, or nurse anesthetist, unless otherwise authorized by law to do so.

335.086. USE OF FRAUDULENT CREDENTIALS PROHIBITED. — No person, firm, corporation or association shall:

(1) Sell or attempt to sell or fraudulently obtain or furnish or attempt to furnish any nursing diploma, license, renewal or record or aid or abet therein;

(2) Practice [professional or practical] nursing as defined by sections 335.011 to [335.096] 335.099 under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice [professional nursing or practical] nursing as defined by sections 335.011 to [335.096] 335.099 unless duly licensed to do so under the provisions of sections 335.011 to [335.096] 335.099;

(4) Use in connection with his or her name any designation tending to imply that he or she is a licensed advanced practice registered nurse, a licensed registered professional nurse, or a licensed practical nurse unless duly licensed so to practice under the provisions of sections 335.011 to [335.096] 335.099;

(5) Practice [professional nursing or practical] nursing during the time his or her license issued under the provisions of sections 335.011 to [335.096] 335.099 shall be suspended or revoked; or

(6) Conduct a nursing education program for the preparation of professional or practical nurses unless the program has been accredited by the board.

335.175. UTILIZATION OF TELEHEALTH BY NURSES ESTABLISHED. — 1. No later than January 1, 2014, there is hereby established within the state board of registration for the healing arts and the state board of nursing the "Utilization of Telehealth by Nurses". An advanced practice registered nurse (APRN) providing nursing services under a collaborative practice arrangement under section 334.104 may provide such services outside the geographic proximity requirements of section 334.104 if the collaborating physician and advanced practice registered nurse utilize telehealth [in the care of the patient and if the services are provided in a rural area of need]. Telehealth providers shall be required to obtain patient consent before telehealth services are initiated and ensure confidentiality of medical information.

2. As used in this section, "telehealth" shall have the same meaning as such term is defined in section 191.1145.

[3. (1) The boards shall jointly promulgate rules governing the practice of telehealth under this section. Such rules shall address, but not be limited to, appropriate standards for the use of telehealth.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

4. For purposes of this section, "rural area of need" means any rural area of this state which is located in a health professional shortage area as defined in section 354.650.]

335.203. NURSING EDUCATION INCENTIVE PROGRAM ESTABLISHED — GRANTS AUTHORIZED, ELIGIBILITY — ADMINISTRATION — RULEMAKING AUTHORITY. — 1. There is hereby established the "Nursing Education Incentive Program" within the state board of nursing.

2. Subject to appropriation and board disbursement, grants shall be awarded through the nursing education incentive program to eligible institutions of higher education based on criteria jointly determined by the board and the department of higher education and workforce development. [Grant award amounts shall not exceed one hundred fifty thousand dollars.] No campus shall receive more than one grant per year.

3. To be considered for a grant, an eligible institution of higher education shall offer a program of nursing that meets the predetermined category and area of need as established by the board and the department under subsection 4 of this section.

4. The board and the department shall determine categories and areas of need for designating grants to eligible institutions of higher education. In establishing categories and areas of need, the board and department may consider criteria including, but not limited to:

(1) Data generated from licensure renewal data and the department of health and senior services; and

(2) National nursing statistical data and trends that have identified nursing shortages.

5. The board shall be the administrative agency responsible for implementation of the program established under sections 335.200 to 335.203, and shall promulgate reasonable rules for the exercise of its functions and the effectuation of the purposes of sections 335.200 to 335.203. The board shall, by

rule, prescribe the form, time, and method of filing applications and shall supervise the processing of such applications.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

335.205. LICENSURE, SURCHARGE, AMOUNT. — The board, in addition to any other duties it may have regarding licensure of nurses, shall collect, at the time of any initial license application or license renewal application, a nursing education incentive program surcharge from each person licensed or relicensed under this chapter, in the amount of one dollar per year for practical nurses and five dollars per year for registered professional nurses. These funds shall be deposited in the state board of nursing fund described in section 335.036.

337.510. REQUIREMENTS FOR LICENSURE — DEFINITIONS — RECIPROCITY — PROVISIONAL PROFESSIONAL COUNSELOR LICENSE ISSUED, WHEN, REQUIREMENTS — RENEWAL LICENSE FEE. — 1. As used in this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. Such term also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "Resident military spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Each applicant for licensure as a professional counselor shall furnish evidence to the committee that the applicant is at least eighteen years of age, is a United States citizen or is legally present in the United States; and

(1) The applicant has completed a course of study as defined by the board rule leading to a master's, specialist's, or doctoral degree with a major in counseling, except any applicant who has held a license as a professional counselor in this state or currently holds a license as a professional counselor in another state shall not be required to have completed any courses related to career development; and

(2) The applicant has completed acceptable supervised counseling as defined by board rule. If the applicant has a master's degree with a major in counseling as defined by board rule, the applicant shall complete at least two years of acceptable supervised counseling experience subsequent to the receipt of the master's degree. The composition and number of hours comprising the acceptable supervised counseling experience shall be defined by board rule. An applicant may substitute thirty semester hours of post master's graduate study for one of the two required years of acceptable supervised counseling experience if such hours are clearly related to counseling;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(3) After August 28, 2007, each applicant shall have completed a minimum of three hours of graduate level coursework in diagnostic systems either in the curriculum leading to a degree or as post master's graduate level course work;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, and professional affairs and ethics.

[2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States to practice as a professional counselor who does not meet the requirements in section 324.009 and who is at least eighteen years of age, and is a United States citizen or is legally present in the United States may be granted a license without examination to engage in the practice of professional counseling in this state upon the application to the board, payment of the required fee as established by the board, and satisfying one of the following requirements:

(1) Approval by the American Association of State Counseling Boards (AASCB) or its successor organization according to the eligibility criteria established by AASCB. The successor organization shall be defined by board rule; or

(2) In good standing and currently certified by the National Board for Certified Counselors or its successor organization and has completed acceptable supervised counseling experience as defined by board rule. The successor organization shall be defined by board rule.]

3. (1) Any person who holds a valid current professional counselor license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit an application for a professional counselor license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction, to the committee.

(2) The committee shall:

(a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The committee may require an applicant to take and pass an examination specific to the laws of this state; or

(b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this subsection.

(3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by a committee outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with a committee outside the state; who does not hold a license in good standing with a committee outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this subsection.

(b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

(4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.525.

(5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed professional counselor in this state.

(6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.

4. The committee shall issue a license to each person who files an application and fee and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of this act and has taken and passed a written, open-book examination on Missouri laws and regulations governing the practice of professional counseling as defined in section 337.500. The division shall issue a provisional professional counselor license to any applicant who meets all requirements of this section, but who has not completed the required acceptable supervised counseling experience and such applicant may reapply for licensure as a professional counselor upon completion of such acceptable supervised counseling experience.

[4.] 5. All persons licensed to practice professional counseling in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as required by rule, including two hours of suicide assessment, referral, treatment, and management training, which shall be no more than forty hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of the illness of the licensee or for other good cause.

337.550. LICENSED PROFESSIONAL COUNSELORS INTERSTATE COMPACT. — SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of Licensed Professional Counselors with the goal of improving public access to Professional Counseling services. The practice of Professional Counseling occurs in the State where the client is located at the time of the counseling services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

A. Increase public access to Professional Counseling services by providing for the mutual recognition of other Member State licenses;

B. Enhance the States' ability to protect the public's health and safety;

C. Encourage the cooperation of Member States in regulating multistate practice for Licensed Professional Counselors;

D. Support spouses of relocating Active Duty Military personnel;

E. Enhance the exchange of licensure, investigative, and disciplinary information among Member States;

F. Allow for the use of Telehealth technology to facilitate increased access to Professional Counseling services;

G. Support the uniformity of Professional Counseling licensure requirements throughout the States to promote public safety and public health benefits;

H. Invest all Member States with the authority to hold a Licensed Professional Counselor accountable for meeting all State practice laws in the State in which the client is located at the time care is rendered through the mutual recognition of Member State licenses;

I. Eliminate the necessity for licenses in multiple States; and

J. Provide opportunities for interstate practice by Licensed Professional Counselors who meet uniform licensure requirements.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

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B. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a licensing board or other authority against a Licensed Professional Counselor, including actions against an individual's license or Privilege to Practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other Encumbrance on licensure affecting a Licensed Professional Counselor's authorization to practice, including issuance of a cease and desist action.

C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Professional Counseling Licensing Board to address Impaired Practitioners.

D. "Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

E. "Counseling Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact.

F. "Current Significant Investigative Information" means:

1. Investigative Information that a Licensing Board, after a preliminary inquiry that includes notification and an opportunity for the Licensed Professional Counselor to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

2. Investigative Information that indicates that the Licensed Professional Counselor represents an immediate threat to public health and safety regardless of whether the Licensed Professional Counselor has been notified and had an opportunity to respond.

G. "Data System" means a repository of information about Licensees, including, but not limited to, continuing education, examination, licensure, investigative, Privilege to Practice and Adverse Action information.

H. "Encumbered License" means a license in which an Adverse Action restricts the practice of licensed Professional Counseling by the Licensee and said Adverse Action has been reported to the National Practitioners Data Bank (NPDB).

I. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Licensed Professional Counseling by a Licensing Board.

J. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

K. "Home State" means the Member State that is the Licensee's primary State of residence.

L. "Impaired Practitioner" means an individual who has a condition(s) that may impair their ability to practice as a Licensed Professional Counselor without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

M. "Investigative Information" means information, records, and documents received or generated by a Professional Counseling Licensing Board pursuant to an investigation.

N. "Jurisprudence Requirement" if required by a Member State, means the assessment of an individual's knowledge of the laws and Rules governing the practice of Professional Counseling in a State.

O. "Licensed Professional Counselor" means a counselor licensed by a Member State, regardless of the title used by that State, to independently assess, diagnose, and treat behavioral health conditions.

P. "Licensee" means an individual who currently holds an authorization from the State to practice as a Licensed Professional Counselor.

Q. "Licensing Board" means the agency of a State, or equivalent, that is responsible for the licensing and regulation of Licensed Professional Counselors.

R. "Member State" means a State that has enacted the Compact.

S. "Privilege to Practice" means a legal authorization, which is equivalent to a license, permitting the practice of Professional Counseling in a Remote State.

T. "Professional Counseling" means the assessment, diagnosis, and treatment of behavioral health conditions by a Licensed Professional Counselor.

U. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Privilege to Practice.

V. "Rule" means a regulation promulgated by the Commission that has the force of law.

W. "Single State License" means a Licensed Professional Counselor license issued by a Member State that authorizes practice only within the issuing State and does not include a Privilege to Practice in any other Member State.

X. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Professional Counseling.

Y. "Telehealth" means the application of telecommunication technology to deliver Professional Counseling services remotely to assess, diagnose, and treat behavioral health conditions.

Z. "Unencumbered License" means a license that authorizes a Licensed Professional Counselor to engage in the full and unrestricted practice of Professional Counseling.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To Participate in the Compact, a State must currently:

1. License and regulate Licensed Professional Counselors;
2. Require Licensees to pass a nationally recognized exam approved by the Commission;
3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master's degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course work including the following topic areas:

a. Professional Counseling Orientation and Ethical Practice;

b. Social and Cultural Diversity;

c. Human Growth and Development;

d. Career Development;

e. Counseling and Helping Relationships;

f. Group Counseling and Group Work;

g. Diagnosis and Treatment; Assessment and Testing;

h. Research and Program Evaluation; and

i. Other areas as determined by the Commission.

4. Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission;

5. Have a mechanism in place for receiving and investigating complaints about Licensees.

B. A Member State shall:

1. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

2. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;

3. Implement or utilize procedures for considering the criminal history records of applicants for an initial Privilege to Practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

a. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions.

b. Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information

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received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544.

4. Comply with the Rules of the Commission;

5. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws;

6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered License in another Member State in accordance with the terms of the Compact and Rules; and

7. Provide for the attendance of the State's commissioner to the Counseling Compact Commission meetings.

C. Member States may charge a fee for granting the Privilege to Practice.

D. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single State License as provided under the laws of each Member State. However, the Single State License granted to these individuals shall not be recognized as granting a Privilege to Practice Professional Counseling in any other Member State.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

F. A license issued to a Licensed Professional Counselor by a Home State to a resident in that State shall be recognized by each Member State as authorizing a Licensed Professional Counselor to practice Professional Counseling, under a Privilege to Practice, in each Member State.

SECTION 4. PRIVILEGE TO PRACTICE

A. To exercise the Privilege to Practice under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;

2. Have a valid United States Social Security Number or National Practitioner Identifier;

3. Be eligible for a Privilege to Practice in any Member State in accordance with Section 4(D), (G) and (H);

4. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years;

5. Notify the Commission that the Licensee is seeking the Privilege to Practice within a Remote State(s);

6. Pay any applicable fees, including any State fee, for the Privilege to Practice;

7. Meet any Continuing Competence/Education requirements established by the Home State;

8. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Privilege to Practice; and

9. Report to the Commission any Adverse Action, Encumbrance, or restriction on license taken by any non-Member State within 30 days from the date the action is taken.

B. The Privilege to Practice is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4(A) to maintain the Privilege to Practice in the Remote State.

C. A Licensee providing Professional Counseling in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

D. A Licensee providing Professional Counseling services in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Privilege to Practice in any Member State until the specific time for removal has passed and all fines are paid.

E. If a Home State license is encumbered, the Licensee shall lose the Privilege to Practice in any Remote State until the following occur:

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1. The Home State license is no longer encumbered; and
2. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

F. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4(A) to obtain a Privilege to Practice in any Remote State.

G. If a Licensee's Privilege to Practice in any Remote State is removed, the individual may lose the Privilege to Practice in all other Remote States until the following occur:

1. The specific period of time for which the Privilege to Practice was removed has ended;
2. All fines have been paid; and
3. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

H. Once the requirements of Section 4(G) have been met, the Licensee must meet the requirements in Section 4(A) to obtain a Privilege to Practice in a Remote State.

SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO PRACTICE

A. A Licensed Professional Counselor may hold a Home State license, which allows for a Privilege to Practice in other Member States, in only one Member State at a time.

B. If a Licensed Professional Counselor changes primary State of residence by moving between two Member States:

1. The Licensed Professional Counselor shall file an application for obtaining a new Home State license based on a Privilege to Practice, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license by virtue of a Privilege to Practice, the new Home State shall verify that the Licensed Professional Counselor meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

a. a Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;

b. other criminal background check as required by the new Home State; and

c. completion of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Privilege to Practice once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Licensed Professional Counselor cannot meet the criteria in Section 4, the new Home State may apply its requirements for issuing a new Single State License.

5. The Licensed Professional Counselor shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If a Licensed Professional Counselor changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States, however for the purposes of this Compact, a Licensee shall have only one Home State license.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active Duty Military personnel, or their spouse, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in the new State, or through the process outlined in Section 5.

SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

A. Member States shall recognize the right of a Licensed Professional Counselor, licensed by a Home State in accordance with Section 3 and under Rules promulgated by the Commission, to practice Professional Counseling in any Member State via Telehealth under a Privilege to Practice as provided in the Compact and Rules promulgated by the Commission.

B. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

SECTION 8. ADVERSE ACTIONS

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against a Licensed Professional Counselor's Privilege to Practice within that Member State, and

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

3. Only the Home State shall have the power to take Adverse Action against a Licensed Professional Counselor's license issued by the Home State.

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Licensed Professional Counselor who changes primary State of residence during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the coordinated licensure information system shall promptly notify the new Home State of any Adverse Actions.

D. A Member State, if otherwise permitted by State law, may recover from the affected Licensed Professional Counselor the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensed Professional Counselor.

E. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

F. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective Professional Counseling practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If Adverse Action is taken by the Home State against the license of a Licensed Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the State license. All Home State

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disciplinary orders that impose Adverse Action against the license of a Licensed Professional Counselor shall include a Statement that the Licensed Professional Counselor's Privilege to Practice is deactivated in all Member States during the pendency of the order.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint public agency known as the Counseling Compact Commission:

1. The Commission is an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.

2. The delegate shall be either:

a. A current member of the Licensing Board at the time of appointment, who is a Licensed Professional Counselor or public member; or

b. An administrator of the Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

4. The Member State Licensing Board shall fill any vacancy occurring on the Commission within 60 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

8. The Commission shall by Rule establish a term of office for delegates and may by Rule establish term limits.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

5. Promulgate Rules which shall be binding to the extent and in the manner provided for in the Compact;

6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

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9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an Executive Committee; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Professional Counseling licensure and practice.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

2. The Executive Committee shall be composed of up to eleven (11) members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission; and

b. Up to four (4) ex-officio, nonvoting members from four (4) recognized national professional counselor organizations.

c. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Privilege to Practice;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in Rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 11.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

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Matter underscored is proposed language.

- a. Non-compliance of a Member State with its obligations under the Compact;
- b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation;
- d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- e. Accusing any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigative records compiled for law enforcement purposes;
- i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or
- j. Matters specifically exempted from disclosure by federal or Member State statute.
- 3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.
- 4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.
- F. Financing of the Commission
 - 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
 - 2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.
 - 3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.
 - 4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.
 - 5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.
- G. Qualified Immunity, Defense, and Indemnification
 - 1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made

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had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 10. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

B. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a license or Privilege to Practice;

4. Non-confidential information related to Alternative Program participation;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. Current Significant Investigative Information; and

7. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

D. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

E. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

F. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 11. RULEMAKING

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its Rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force or effect.

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B. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and
2. On the website of each Member State Professional Counseling Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.

F. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;
2. The text of the proposed Rule or amendment and the reason for the proposed Rule;
3. A request for comments on the proposed Rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A State or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the

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Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Member State funds;
3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or
4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:

- a. Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and
- b. Provide remedial training and specific technical assistance regarding the default.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

G. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

H. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

I. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Professional Counseling Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any Professional Counseling licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 14. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the

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applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

Section 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations, including scope of practice, of the Remote State.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws properly promulgated by the Commission, are binding upon the Member States.

E. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

337.615. EDUCATION, EXPERIENCE REQUIREMENTS — DEFINITIONS — RECIPROCITY — LICENSES ISSUED, WHEN. — 1. As used in this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

(5) "Resident military spouse", a spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Each applicant for licensure as a clinical social worker shall furnish evidence to the committee that:

(1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has completed at least three thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed at least four thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall

be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;

(3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee; and

(4) The applicant is at least eighteen years of age, is a United States citizen or has status as a legal resident alien, and has not been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence has been imposed.

[2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice clinical social work who does not meet the requirements of section 324.009 and who has had no disciplinary action taken against the license, certificate of registration, or permit for the preceding five years may be granted a license to practice clinical social work in this state if the person has received a masters or doctoral degree from a college or university program of social work accredited by the council of social work education and has been licensed to practice clinical social work for the preceding five years.]

3. (1) Any person who holds a valid current clinical social work license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit to the committee an application for a clinical social work license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.

(2) The committee shall:

(a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The committee may require an applicant to take and pass an examination specific to the laws of this state; or

(b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this subsection.

(3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this subsection.

(b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

(4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.630.

(5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed clinical social worker in this state.

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(6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.

4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection [1] 2 of this section [or with the provisions of subsection 2 of this section].

337.644. DEFINITIONS — APPLICATION, CONTENTS — ISSUANCE OF LICENSE, WHEN — RECIPROACITY. — 1. As used in this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

(5) "Resident military spouse", a spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Each applicant for licensure as a master social worker shall furnish evidence to the committee that:

(1) The applicant has a master's or doctorate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social workers;

(3) The applicant is at least eighteen years of age, is a United States citizen or has status as a legal resident alien, and has not been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless [or] of whether or not sentence is imposed;

(4) The applicant has submitted a written application on forms prescribed by the state board; and

(5) The applicant has submitted the required licensing fee, as determined by the committee.

[2.] 3. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

[3.] 4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection [1] 2 of this section. The license shall refer to the individual as a licensed master social worker and shall recognize that individual's right to practice licensed master social work as defined in section 337.600.

5. (1) Any person who holds a valid current master social work license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit to the committee an application for a master social work license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.

(2) The committee shall:

(a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The committee may require an applicant to take and pass an examination specific to the laws of this state; or

(b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this subsection.

(3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary action, except as provided in paragraph (b) of this subdivision, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this section.

(b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

(4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.630.

(5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed master social worker in this state.

(6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.

337.665. INFORMATION REQUIRED TO BE FURNISHED COMMITTEE — CERTIFICATE TO PRACTICE INDEPENDENTLY ISSUED, WHEN — RECIPROCITY. — 1. As used in this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, accreditation, or military occupational specialty that enables a person to legally practice an occupation or profession in a particular jurisdiction;

(2) "Military", the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other military branch that is designated by Congress as part of the Armed Forces of the United States, and all reserve components and auxiliaries. The term "military" also includes the military reserves and militia of any United States territory or state;

(3) "Nonresident military spouse", a nonresident spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

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Matter underscored is proposed language.

(4) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses;

(5) "Resident military spouse", a spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Each applicant for licensure as a baccalaureate social worker shall furnish evidence to the committee that:

(1) The applicant has a baccalaureate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social work;

(3) The applicant is at least eighteen years of age, is a United States citizen or has status as a legal resident alien, and has not been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;

(4) The applicant has submitted a written application on forms prescribed by the state board; and

(5) The applicant has submitted the required licensing fee, as determined by the committee.

[2.] 3. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure pursuant to section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

[3.] 4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection [1] 2 of this section.

[4.] 5. The committee shall issue a certificate to practice independently under subsection 3 of section 337.653 to any licensed baccalaureate social worker who has satisfactorily completed three thousand hours of supervised experience with a qualified baccalaureate supervisor in no less than twenty-four months and no more than forty-eight consecutive calendar months.

6. (1) Any person who holds a valid current baccalaureate social work license issued by another state, a branch or unit of the military, a territory of the United States, or the District of Columbia, and who has been licensed for at least one year in such other jurisdiction, may submit to the committee an application for a baccalaureate social work license in Missouri along with proof of current licensure and proof of licensure for at least one year in the other jurisdiction.

(2) The committee shall:

(a) Within six months of receiving an application described in subdivision (1) of this subsection, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other jurisdiction verifies that the person met those requirements in order to be licensed or certified in that jurisdiction. The committee may require an applicant to take and pass an examination specific to the laws of this state; or

(b) Within thirty days of receiving an application described in subdivision (1) of this subsection from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this subsection if such applicant otherwise meets the requirements of this subsection.

(3) (a) The committee shall not waive any examination, educational, or experience requirements for any applicant who has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who is currently under disciplinary

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action, except as provided in paragraph (b) of this subdivision, with an oversight body outside the state; who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri; or who does not hold a valid current license in the other jurisdiction on the date the committee receives his or her application under this subsection.

(b) If another jurisdiction has taken disciplinary action against an applicant, the committee shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the committee may deny a license until the matter is resolved.

(4) Nothing in this subsection shall prohibit the committee from denying a license to an applicant under this subsection for any reason described in section 337.630.

(5) Any person who is licensed under the provisions of this subsection shall be subject to the committee's jurisdiction and all rules and regulations pertaining to the practice as a licensed baccalaureate social worker in this state.

(6) This subsection shall not be construed to waive any requirement for an applicant to pay any fees.

337.1000. PURPOSE. — 1. Sections 337.1000 to 337.1075 shall be known and may be cited as the "Social Work Licensure Compact".

2. The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers by improving public access to competent Social Work Services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

3. This Compact is designed to achieve the following objectives:

(1) Increase public access to Social Work Services;

(2) Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;

(3) Enhance the Member States' ability to protect the public's health and safety;

(4) Encourage the cooperation of Member States in regulating multistate practice;

(5) Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States by providing for the mutual recognition of other Member State licenses;

(6) Support military families;

(7) Facilitate the exchange of licensure and disciplinary information among Member States;

(8) Authorize all Member States to hold a Regulated Social Worker accountable for abiding by a Member State's laws, regulations, and applicable professional standards in the Member State in which the client is located at the time care is rendered; and

(9) Allow for the use of telehealth to facilitate increased access to regulated Social Work Services.

337.1005. DEFINITIONS. — As used in this Compact, and except as otherwise provided, the following definitions shall apply:

(1) "Active Military Member" means any individual with full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.

(2) "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Regulated Social Worker's authorization to practice, including issuance of a cease and desist action.

(3) "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority to address practitioners with an Impairment.

(4) "Charter Member States" means Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as described in section 337.1065.

(5) "Compact Commission" or "Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Social Work Licensure Compact Commission, as described in section 337.1045, and which shall operate as an instrumentality of the Member States.

(6) "Current Significant Investigative Information" means:

(a) Investigative information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the Regulated Social Worker to respond has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the Commission; or

(b) Investigative information that indicates that the Regulated Social Worker represents an immediate threat to public health and safety, as may be defined by the Commission, regardless of whether the Regulated Social Worker has been notified and has had an opportunity to respond.

(7) "Data System" means a repository of information about Licensees, including, continuing education, examination, licensure, Current Significant Investigative Information, Disqualifying Event, Multistate License(s) and Adverse Action information or other information as required by the Commission.

(8) "Domicile" means the jurisdiction in which the Licensee resides and intends to remain indefinitely.

(9) "Disqualifying Event" means any Adverse Action or incident which results in an Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain or renew a Multistate License.

(10) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Social Work licensed and regulated by a Licensing Authority.

(11) "Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the compact and Commission.

(12) "Home State" means the Member State that is the Licensee's primary Domicile.

(13) "Impairment" means a condition(s) that may impair a practitioner's ability to engage in full and unrestricted practice as a Regulated Social Worker without some type of intervention and may include alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

(14) "Licensee(s)" means an individual who currently holds a license from a State to practice as a Regulated Social Worker.

(15) "Licensing Authority" means the board or agency of a Member State, or equivalent, that is responsible for the licensing and regulation of Regulated Social Workers.

(16) "Member State" means a state, commonwealth, district, or territory of the United States of America that has enacted this Compact.

(17) "Multistate Authorization to Practice" means a legally authorized privilege to practice, which is equivalent to a license, associated with a Multistate License permitting the practice of Social Work in a Remote State.

(18) "Multistate License" means a license to practice as a Regulated Social Worker issued by a Home State Licensing Authority that authorizes the Regulated Social Worker to practice in all Member States under Multistate Authorization to Practice.

(19) "Qualifying National Exam" means a national licensing examination approved by the Commission.

(20) "Regulated Social Worker" means any clinical, master's or bachelor's Social Worker licensed by a Member State regardless of the title used by that Member State.

(21) "Remote State" means a Member State other than the Licensee's Home State.

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(22) "Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations duly promulgated by the Commission, as authorized by the Compact, that has the force of law.

(23) "Single State License" means a Social Work license issued by any State that authorizes practice only within the issuing State and does not include Multistate Authorization to Practice in any Member State.

(24) "Social Work" or "Social Work Services" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a Regulated Social Worker as set forth in the Member State's statutes and regulations in the State where the services are being provided.

(25) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Social Work.

(26) "Unencumbered License" means a license that authorizes a Regulated Social Worker to engage in the full and unrestricted practice of Social Work.

337.1010. STATE PARTICIPATION IN THE COMPACT. — 1. To be eligible to participate in the compact, a potential Member State must currently meet all of the following criteria:

(1) License and regulate the practice of Social Work at either the clinical, master's, or bachelor's category.

(2) Require applicants for licensure to graduate from a program that is:

(a) Operated by a college or university recognized by the Licensing Authority;

(b) Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:

a. the Council for Higher Education Accreditation, or its successor; or

b. the United States Department of Education; and

(c) Corresponds to the licensure sought as outlined in section 337.1015.

(3) Require applicants for clinical licensure to complete a period of supervised practice.

(4) Have a mechanism in place for receiving, investigating, and adjudicating complaints about Licensees.

2. To maintain membership in the Compact a Member State shall:

(1) Require that applicants for a Multistate License pass a Qualifying National Exam for the corresponding category of Multistate License sought as outlined in section 337.1015;

(2) Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

(3) Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;

(4) Implement procedures for considering the criminal history records of applicants for a Multistate License. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

(5) Comply with the Rules of the Commission;

(6) Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable Home State laws;

(7) Authorize a Licensee holding a Multistate License in any Member State to practice in accordance with the terms of the Compact and Rules of the Commission; and

(8) Designate a delegate to participate in the Commission meetings.

3. A Member State meeting the requirements of subsections 1 and 2 of this section shall designate the categories of Social Work licensure that are eligible for issuance of a Multistate License for applicants in such Member State. To the extent that any Member State does not meet the requirements for participation in the Compact at any particular category of Social Work licensure, such Member State may choose, but is not obligated to, issue a Multistate License to applicants that otherwise meet the requirements of section 337.1015 for issuance of a Multistate License in such category or categories of licensure.

4. The Home State may charge a fee for granting the Multistate License.

337.1015. SOCIAL WORKER PARTICIPATION IN THE COMPACT. — 1. To be eligible for a Multistate License under the terms and provisions of the Compact, an applicant, regardless of category must:

- (1) Hold or be eligible for an active, Unencumbered License in the Home State;
- (2) Pay any applicable fees, including any State fee, for the Multistate License;
- (3) Submit, in connection with an application for a Multistate License, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;
- (4) Notify the Home State of any Adverse Action, Encumbrance, or restriction on any professional license taken by any Member State or non-Member State within 30 days from the date the action is taken;
- (5) Meet any continuing competence requirements established by the Home State;
- (6) Abide by the laws, regulations, and applicable standards in the Member State where the client is located at the time care is rendered.

2. An applicant for a clinical-category Multistate License must meet all of the following requirements:

- (1) Fulfill a competency requirement, which shall be satisfied by either:
 - (a) Passage of a clinical-category Qualifying National Exam; or
 - (b) Licensure of the applicant in their Home State at the clinical category, beginning prior to such time as a Qualifying National Exam was required by the Home State and accompanied by a period of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or
 - (c) The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.
- (2) Attain at least a master's degree in Social Work from a program that is:
 - (a) Operated by a college or university recognized by the Licensing Authority; and
 - (b) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:
 - a. the Council for Higher Education Accreditation or its successor; or
 - b. the United States Department of Education.
- (3) Fulfill a practice requirement, which shall be satisfied by demonstrating completion of either:
 - (a) A period of postgraduate supervised clinical practice equal to a minimum of three thousand hours; or
 - (b) A minimum of two years of full-time postgraduate supervised clinical practice; or
 - (c) The substantial equivalency of the foregoing practice requirements which the Commission may determine by Rule.

3. An applicant for a master's-category Multistate License must meet all of the following requirements:

- (1) Fulfill a competency requirement, which shall be satisfied by either:
 - (a) Passage of a masters-category Qualifying National Exam;

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(b) Licensure of the applicant in their Home State at the master's category, beginning prior to such time as a Qualifying National Exam was required by the Home State at the master's category and accompanied by a continuous period of Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

(c) The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

(2) Attain at least a master's degree in Social Work from a program that is:

(a) Operated by a college or university recognized by the Licensing Authority; and

(b) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

a. the Council for Higher Education Accreditation or its successor; or

b. the United States Department of Education.

4. An applicant for a bachelor's-category Multistate License must meet all of the following requirements:

(1) Fulfill a competency requirement, which shall be satisfied by either:

(a) Passage of a bachelor's-category Qualifying National Exam;

(b) Licensure of the applicant in their Home State at the bachelor's category, beginning prior to such time as a Qualifying National Exam was required by the Home State and accompanied by a period of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

(c) The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

(2) Attain at least a bachelor's degree in Social Work from a program that is:

(a) Operated by a college or university recognized by the Licensing Authority; and

(b) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

a. the Council for Higher Education Accreditation or its successor; or

b. the United States Department of Education.

5. The Multistate License for a Regulated Social Worker is subject to the renewal requirements of the Home State. The Regulated Social Worker must maintain compliance with the requirements of subsection 1 of this section to be eligible to renew a Multistate License.

6. The Regulated Social Worker's services in a Remote State are subject to that Member State's regulatory authority. A Remote State may, in accordance with due process and that Member State's laws, remove a Regulated Social Worker's Multistate Authorization to Practice in the Remote State for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens.

7. If a Multistate License is encumbered, the Regulated Social Worker's Multistate Authorization to Practice shall be deactivated in all Remote States until the Multistate License is no longer encumbered.

8. If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated Social Worker's Multistate Authorization to Practice may be deactivated in that State until the Multistate Authorization to Practice is no longer encumbered.

337.1020. ISSUANCE OF A MULTISTATE LICENSE. — 1. Upon receipt of an application for a Multistate License, the Home State Licensing Authority shall determine the applicant's eligibility for a Multistate License in accordance with section 337.1015 of this Compact.

2. If such applicant is eligible pursuant to section 337.1015 of this Compact, the Home State Licensing Authority shall issue a Multistate License that authorizes the applicant or Regulated Social Worker to practice in all Member States under a Multistate Authorization to Practice.

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3. Upon issuance of a Multistate License, the Home State Licensing Authority shall designate whether the Regulated Social Worker holds a Multistate License in the Bachelors, Masters, or Clinical category of Social Work.

4. A Multistate License issued by a Home State to a resident in that State shall be recognized by all Compact Member States as authorizing Social Work Practice under a Multistate Authorization to Practice corresponding to each category of licensure regulated in each Member State.

337.1025. AUTHORITY OF AN INTERSTATE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES. — 1. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the practice of Social Work in that State, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

2. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

3. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to take Adverse Action against a Licensee's Single State License to practice Social Work in that State.

4. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse Action against a Licensee's Multistate Authorization to Practice in that State.

5. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action against a Licensee's Multistate License based upon information provided by a Remote State.

337.1030. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE. — 1. A Licensee can hold a Multistate License, issued by their Home State, in only one Member State at any given time.

2. If a Licensee changes their Home State by moving between two Member States:

(1) The Licensee shall immediately apply for the reissuance of their Multistate License in their new Home State. The Licensee shall pay all applicable fees and notify the prior Home State in accordance with the Rules of the Commission.

(2) Upon receipt of an application to reissue a Multistate License, the new Home State shall verify that the Multistate License is active, unencumbered and eligible for reissuance under the terms of the Compact and the Rules of the Commission. The Multistate License issued by the prior Home State will be deactivated and all Member States notified in accordance with the applicable Rules adopted by the Commission.

(3) Prior to the reissuance of the Multistate License, the new Home State shall conduct procedures for considering the criminal history records of the Licensee. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records.

(4) If required for initial licensure, the new Home State may require completion of jurisprudence requirements in the new Home State.

(5) Notwithstanding any other provision of this Compact, if a Licensee does not meet the requirements set forth in this Compact for the reissuance of a Multistate License by the new Home State, then the Licensee shall be subject to the new Home State requirements for the issuance of a Single State License in that State.

3. If a Licensee changes their primary State of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, then the Licensee shall be subject to the State requirements for the issuance of a Single State License in the new Home State.

4. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State, and only one Multistate License.

5. Nothing in this Compact shall interfere with the requirements established by a Member State for the issuance of a Single State License.

337.1035. MILITARY FAMILIES. — An Active Military Member or their spouse shall designate a Home State where the individual has a Multistate License. The individual may retain their Home State designation during the period the service member is on active duty.

337.1040. ADVERSE ACTIONS. — 1. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

(1) Take Adverse Action against a Regulated Social Worker's Multistate Authorization to Practice only within that Member State, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

(2) Only the Home State shall have the power to take Adverse Action against a Regulated Social Worker's Multistate License.

2. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

3. The Home State shall complete any pending investigations of a Regulated Social Worker who changes their Home State during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.

4. A Member State, if otherwise permitted by State law, may recover from the affected Regulated Social Worker the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Regulated Social Worker.

5. A Member State may take Adverse Action based on the factual findings of another Member State, provided that the Member State follows its own procedures for taking the Adverse Action.

6. (1) In addition to the authority granted to a Member State by its respective Social Work practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

(2) Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

7. If Adverse Action is taken by the Home State against the Multistate License of a Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the Multistate License. All Home State disciplinary orders that impose Adverse Action against the license of a Regulated Social Worker shall include a statement that the Regulated Social Worker's Multistate Authorization to

Practice is deactivated in all Member States until all conditions of the decision, order or agreement are satisfied.

8. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State and all other Member States of any Adverse Actions by Remote States.

9. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

10. Nothing in this Compact shall authorize a Member State to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another Member State for lawful actions within that Member State.

11. Nothing in this Compact shall authorize a Member State to impose discipline against a Regulated Social Worker who holds a Multistate Authorization to Practice for lawful actions within another Member State.

337.1045. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION. — 1. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the compact known as the Social Work Licensure Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in section 337.1065.

2. (1) Each Member State shall have and be limited to one (1) delegate selected by that Member State's State Licensing Authority.

(2) The delegate shall be either:

(a) A current member of the State Licensing Authority at the time of appointment, who is a Regulated Social Worker or public member of the State Licensing Authority; or

(b) An administrator of the State Licensing Authority or their designee.

(3) The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

(4) The Commission may recommend removal or suspension of any delegate from office.

(5) A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.

(6) Each delegate shall be entitled to one vote on all matters before the Commission requiring a vote by Commission delegates.

(7) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.

(8) The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.

3. The Commission shall have the following powers:

(1) Establish the fiscal year of the Commission;

(2) Establish code of conduct and conflict of interest policies;

(3) Establish and amend Rules and bylaws;

(4) Maintain its financial records in accordance with the bylaws;

(5) Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;

(6) Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

(7) Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;

(8) Purchase and maintain insurance and bonds;

(9) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

(10) Conduct an annual financial review;

(11) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(12) Assess and collect fees;

(13) Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

(14) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

(15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(16) Establish a budget and make expenditures;

(17) Borrow money;

(18) Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

(19) Provide and receive information from, and cooperate with, law enforcement agencies;

(20) Establish and elect an Executive Committee, including a chair and a vice chair;

(21) Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact; and

(22) Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

4. (1) The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

(a) Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its Rules and bylaws, and other such duties as deemed necessary;

(b) Recommend to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

(c) Ensure Compact administration services are appropriately provided, including by contract;

(d) Prepare and recommend the budget;

(e) Maintain financial records on behalf of the Commission;

(f) Monitor Compact compliance of Member States and provide compliance reports to the Commission;

(g) Establish additional committees as necessary;

(h) Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

(i) Other duties as provided in the Rules or bylaws of the Commission.

(2) The Executive Committee shall be composed of up to eleven (11) members:

(a) The chair and vice chair of the Commission shall be voting members of the Executive Committee; and

(b) The Commission shall elect five voting members from the current membership of the Commission.

(c) Up to four (4) ex-officio, nonvoting members from four (4) recognized national Social Work organizations.

(d) The ex-officio members will be selected by their respective organizations.

(3) The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

(4) The Executive Committee shall meet at least annually.

(a) Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subdivision (2) of subsection 6 of this section.

(b) The Executive Committee shall give seven (7) days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the Commission.

(c) The Executive Committee may hold a special meeting in accordance with paragraph (b) of subdivision (1) of subsection 6 of this section.

5. The Commission shall adopt and provide to the Member States an annual report.

6. (1) All meetings shall be open to the public, except that the Commission may meet in a closed, non-public meeting as provided in subdivision (2) of this subsection.

(a) Public notice for all meetings of the full Commission of meetings shall be given in the same manner as required under the Rulemaking provisions in section 337.1055, except that the Commission may hold a special meeting as provided in paragraph (b) of this subdivision.

(b) The Commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the Commission's website, and other means as provided in the Commission's Rules. The Commission's legal counsel shall certify that the Commission's need to meet qualifies as an emergency.

(2) The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting for the Commission or Executive Committee or other committees of the Commission to receive legal advice or to discuss:

(a) Non-compliance of a Member State with its obligations under the Compact;

(b) The employment, compensation, discipline or other matters, practices or procedures related to specific employees;

(c) Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;

(d) Current, threatened, or reasonably anticipated litigation;

(e) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(f) Accusing any person of a crime or formally censuring any person;

(g) Trade secrets or commercial or financial information that is privileged or confidential;

(h) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(i) Investigative records compiled for law enforcement purposes;

(j) Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

(k) Matters specifically exempted from disclosure by federal or Member State law; or

(l) Other matters as promulgated by the Commission by Rule.

(3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

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Matter underscored is proposed language.

(4) The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

7. (1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The Commission may accept any and all appropriate revenue sources as provided in subdivision (13) of subsection 3 of this section.

(3) The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Multistate License to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Commission shall promulgate by Rule.

(4) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

(5) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

8. (1) The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

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(4) Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

(5) Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Commission.

337.1050. DATA SYSTEM. — 1. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated Data System.

2. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.

3. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

(1) Identifying information;

(2) Licensure data;

(3) Adverse Actions against a license and information related thereto;

(4) Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;

(5) Any denial of application for licensure, and the reason or reasons for such denial;

(6) The presence of Current Significant Investigative Information; and

(7) Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

4. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.

5. (1) Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

(2) It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the database to determine whether Adverse Action has been taken against a Licensee. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

6. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

7. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

337.1055. RULEMAKING. — 1. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

2. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that

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establish the Member State's laws, regulations, and applicable standards that govern the practice of Social Work as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

3. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day following adoption or the date specified in the rule or amendment, whichever is later.

4. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

5. Rules shall be adopted at a regular or special meeting of the Commission.

6. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

7. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

(1) On the website of the Commission or other publicly accessible platform;

(2) To persons who have requested notice of the Commission's notices of proposed rulemaking; and

(3) In such other way(s) as the Commission may by Rule specify.

8. The Notice of Proposed Rulemaking shall include:

(1) The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;

(2) If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;

(3) The text of the proposed Rule and the reason therefor;

(4) A request for comments on the proposed Rule from any interested person; and

(5) The manner in which interested persons may submit written comments.

9. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

10. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

11. The Commission shall, by majority vote of all members, take final action on the proposed Rule based on the Rulemaking record and the full text of the Rule.

(1) The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

(2) The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

(3) The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in subsection 12 of this section, the effective date of the rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

12. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with 48 hours' notice, with opportunity to comment, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the

Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of Commission or Member State funds;
- (3) Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or
- (4) Protect public health and safety.

13. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

14. No Member State's rulemaking requirements shall apply under this compact.

337.1060. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. — 1. (1) The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

(2) Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct or any such similar matter.

(3) The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

2. (1) If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

(2) The Commission shall provide a copy of the notice of default to the other Member States.

3. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

4. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.

5. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

6. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of six (6) months after the date of said notice of termination.

7. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

8. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

9. (1) Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

(2) The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

10. (1) By majority vote as provided by Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.

(2) A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) No person other than a Member State shall enforce this compact against the Commission.

337.1065. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT. — 1. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

(1) On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

(a) A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in section 337.1060.

(b) If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.

(2) Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in subdivision (21) of subsection 3 of section 337.1045 to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

(3) All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

(4) Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

2. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

(1) A Member State's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing from this compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

3. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

4. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

337.1070. CONSTRUCTION AND SEVERABILITY. — 1. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

2. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

3. Notwithstanding subsection 2 of this section, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of subsection 2 of section 337.1060, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

337.1075. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS. — 1. A Licensee providing services in a Remote State under a Multistate Authorization to Practice shall adhere to the laws and regulations, including laws, regulations, and applicable standards, of the Remote State where the client is located at the time care is rendered.

2. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

3. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

4. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

338.010. PRACTICE OF PHARMACY — LICENSE REQUIRED — AUXILIARY PERSONNEL — WRITTEN PROTOCOL REQUIRED, WHEN — NONPRESCRIPTION DRUGS — RULEMAKING AUTHORITY — THERAPEUTIC PLAN REQUIREMENTS — VETERINARIAN DEFINED — ADDITIONAL REQUIREMENTS — SHOWMEVAX SYSTEM, NOTICE — PUBLIC HEALTH EMERGENCIES. — 1. The "practice of pharmacy" [means] includes:

(1) The interpretation, implementation, and evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353[;], and the receipt, transmission, or handling of such orders or facilitating the dispensing of such orders;

(2) The designing, initiating, implementing, and monitoring of a medication therapeutic plan [as defined by the prescription order so long as the prescription order is specific to each patient for care by a pharmacist] in accordance with the provisions of this section;

(3) The compounding, dispensing, labeling, and administration of drugs and devices pursuant to medical prescription orders [and administration of viral influenza, pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol authorized by a physician for persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is higher, or the administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, meningitis, and viral influenza vaccines by written protocol authorized by a physician for a specific patient as authorized by rule];

(4) The ordering and administration of vaccines approved or authorized by the U.S. Food and Drug Administration, excluding vaccines for cholera, monkeypox, Japanese encephalitis, typhoid, rabies, yellow fever, tick-borne encephalitis, anthrax, tuberculosis, dengue, Hib, polio, rotavirus, smallpox, and any vaccine approved after January 1, 2023, to persons at least seven years of age or the age recommended by the Centers for Disease Control and Prevention, whichever is older, pursuant to joint promulgation of rules established by the board of pharmacy and the state board of registration for the healing arts unless rules are established under a state of emergency as described in section 44.100;

(5) The participation in drug selection according to state law and participation in drug utilization reviews;

(6) The proper and safe storage of drugs and devices and the maintenance of proper records thereof;

(7) Consultation with patients and other health care practitioners, and veterinarians and their clients about legend drugs, about the safe and effective use of drugs and devices;

(8) The prescribing and dispensing of any nicotine replacement therapy product under section 338.665;

(9) The dispensing of HIV postexposure prophylaxis pursuant to section 338.730; and

(10) The offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management and control of a pharmacy.

2. No person shall engage in the practice of pharmacy unless he or she is licensed under the provisions of this chapter.

3. This chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter and he or she will be responsible for the actions of the auxiliary personnel acting in his or her assistance.

4. This chapter shall [also] not be construed to prohibit or interfere with any legally registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in animals, or the practice of optometry in accordance with and as provided in sections 195.070 and 336.220 in the compounding, administering, prescribing, or dispensing of his or her own prescriptions.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

[2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall have a written protocol from the physician who refers the patient for medication therapy services.]

5. A pharmacist with a certificate of medication therapeutic plan authority may provide medication therapy services pursuant to a written protocol from a physician licensed under chapter 334 to patients who have established a physician-patient relationship, as described in subdivision (1) of subsection 1 of section 191.1146, with the protocol physician. The written protocol [and the prescription order for a medication therapeutic plan] authorized by this section shall come only from the physician [only,] and shall not come from a nurse engaged in a collaborative practice arrangement under section 334.104, or from a physician assistant engaged in a collaborative practice arrangement under section 334.735.

[3.] 6. Nothing in this section shall be construed as to prevent any person, firm or corporation from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed pharmacist is in charge of such pharmacy.

[4.] 7. Nothing in this section shall be construed to apply to or interfere with the sale of nonprescription drugs and the ordinary household remedies and such drugs or medicines as are normally sold by those engaged in the sale of general merchandise.

[5.] 8. No health carrier as defined in chapter 376 shall require any physician with which they contract to enter into a written protocol with a pharmacist for medication therapeutic services.

[6.] 9. This section shall not be construed to allow a pharmacist to diagnose or independently prescribe pharmaceuticals.

[7.] 10. The state board of registration for the healing arts, under section 334.125, and the state board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of protocols [for prescription orders] for medication therapy services [and administration of viral influenza vaccines]. Such rules shall require protocols to include provisions allowing for timely communication between the pharmacist and the [referring] protocol physician or similar body authorized by this section, and any other patient protection provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither board shall separately promulgate rules regulating the use of protocols for [prescription orders for] medication therapy services [and administration of viral influenza vaccines]. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

[8.] 11. The state board of pharmacy may grant a certificate of medication therapeutic plan authority to a licensed pharmacist who submits proof of successful completion of a board-approved course of academic clinical study beyond a bachelor of science in pharmacy, including but not limited to clinical assessment skills, from a nationally accredited college or university, or a certification of equivalence issued by a nationally recognized professional organization and approved by the board of pharmacy.

[9.] 12. Any pharmacist who has received a certificate of medication therapeutic plan authority may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by a [prescription order] written protocol from a physician that [is] may be specific to each patient for care by a pharmacist.

[10.] 13. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

[11.] 14. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title

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Matter underscored is proposed language.

means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

~~[(12.)~~ 15. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines by protocol in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols~~[(3.)~~];

~~[(3.)~~ 16. In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

~~[(13.)~~ 17. A pharmacist shall inform the patient that the administration of ~~[the]~~ a vaccine will be entered into the ShowMeVax system, as administered by the department of health and senior services. The patient shall attest to the inclusion of such information in the system by signing a form provided by the pharmacist. If the patient indicates that he or she does not want such information entered into the ShowMeVax system, the pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's health care provider, if provided by the patient, containing:

- (1) The identity of the patient;
- (2) The identity of the vaccine or vaccines administered;
- (3) The route of administration;
- (4) The anatomic site of the administration;
- (5) The dose administered; and
- (6) The date of administration.

18. A pharmacist licensed under this chapter may order and administer vaccines approved or authorized by the U.S. Food and Drug Administration to address a public health need, as lawfully authorized by the state or federal government, or a department or agency thereof, during a state or federally declared public health emergency.

338.012. MEDICATION THERAPY SERVICES, CERTAIN DISEASES, PHARMACIST MAY PROVIDE UNDER STATEWIDE STANDING ORDER — RULEMAKING AUTHORITY. — 1. A pharmacist with a certificate of medication therapeutic plan authority may provide influenza, group A streptococcus, and COVID-19 medication therapy services pursuant to a statewide standing order issued by the director or chief medical officer of the department of health and senior services if that person is a licensed physician, or a licensed physician designated by the department of health and senior services.

2. The state board of registration for the healing arts, pursuant to section 334.125, and the state board of pharmacy, pursuant to section 338.140, shall jointly promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

340.200. DEFINITIONS. — When used in sections 340.200 to 340.330, the following terms mean:

(1) "Accredited school of veterinary medicine", any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and is accredited by the American Veterinary Medical Association (AVMA);

(2) "Animal", any wild, exotic or domestic, living or dead animal or mammal other than man, including birds, fish and reptiles;

(3) "Animal chiropractic", the examination and treatment of an animal through vertebral subluxation complex or spinal, joint, or musculoskeletal manipulation by an animal chiropractic practitioner. The term "animal chiropractic" shall not be construed to require supervision by a licensed veterinarian to practice or to allow the diagnosing of an animal; the performing of surgery; the dispensing, prescribing, or administering of medications, drugs, or biologics; or the performance of any other type of veterinary medicine when performed by an individual licensed by the state board of chiropractic examiners;

(4) "Animal chiropractic practitioner":

(a) A licensed veterinarian; or

(b) An individual who is licensed by the state board of chiropractic examiners to engage in the practice of chiropractic, as defined in section 331.010; who is certified by the AVCA, IVCA, or other equivalent certifying body; who has graduated from a certification course in animal chiropractic with not less than two hundred ten hours of instruction; and whose practice of animal chiropractic shall be regulated by the state board of chiropractic examiners under chapter 331;

(5) "Applicant", an individual who files an application to be licensed to practice veterinary medicine or to be registered as a veterinary technician;

(6) "Appointed member of the board", regularly appointed members of the Missouri veterinary medical board, not including the state veterinarian who serves on the board ex officio;

(7) "AVCA", the American Veterinary Chiropractic Association or its successor organization;

(8) "Board", the Missouri veterinary medical board;

(9) "Consulting veterinarian", a veterinarian licensed in another state, country or territory who gives advice or demonstrates techniques to a licensed Missouri veterinarian or group of licensed Missouri veterinarians;

(10) "ECFVG certificate", a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates or its successor. The certificate must indicate that the holder of the certificate has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited school of veterinary medicine;

(11) "Emergency", when an animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain life or where death is imminent and action is necessary to relieve pain or suffering;

(12) "Faculty member", full professors, assistant professors, associate professors, clinical instructors and residents but does not include interns or adjunct appointments;

(13) "Foreign veterinary graduate", any person, including foreign nationals and American citizens, who has received a professional veterinary medical degree from an AVMA listed veterinary college located outside the boundaries of the United States, its territories or Canada, that is not accredited by the AVMA;

(14) "IVCA", the International Veterinary Chiropractic Association or its successor organization;

(15) "License", any permit, approval, registration or certificate issued or renewed by the board;

(16) "Licensed veterinarian", an individual who is validly and currently licensed to practice veterinary medicine in Missouri as determined by the board in accordance with the requirements and provisions of sections 340.200 to 340.330;

~~[(13)]~~ (17) "Minimum standards", standards as set by board rule and which establish the minimum requirements for the practice of veterinary medicine in the state of Missouri as are consistent with the intent and purpose of sections 340.200 to 340.330;

~~[(14)]~~ (18) "Person", any individual, firm, partnership, association, joint venture, cooperative or corporation or any other group or combination acting in concert; whether or not acting as principal, trustee, fiduciary, receiver, or as any kind of legal or personal representative or as the successor in interest, assigning agent, factor, servant, employee, director, officer or any other representative of such person;

~~[(15)]~~ (19) "Practice of veterinary medicine", to represent directly, indirectly, publicly or privately an ability and willingness to do any act described in subdivision ~~[(28)]~~ (32) of this section;

~~[(16)]~~ (20) "Provisional license", a license issued to a person while that person is engaged in a veterinary candidacy program;

~~[(17)]~~ (21) "Registered veterinary technician", a person who is formally trained for the specific purpose of assisting a licensed veterinarian with technical services under the appropriate level of supervision as is consistent with the particular delegated animal health care task;

~~[(18)]~~ (22) "Supervision":

(a) "Immediate supervision", the licensed veterinarian is in the immediate area and within audible and visual range of the animal patient and the person treating the patient;

(b) "Direct supervision", the licensed veterinarian is on the premises where the animal is being treated and is quickly and easily available and the animal has been examined by a licensed veterinarian at such times as acceptable veterinary medical practice requires consistent with the particular delegated animal health care task;

(c) "Indirect supervision", the licensed veterinarian need not be on the premises but has given either written or oral instructions for the treatment of the animal patient or treatment protocol has been established and the animal has been examined by a licensed veterinarian at such times as acceptable veterinary medical practice requires consistent with the particular delegated health care task; provided that the patient is not in a surgical plane of anesthesia and the licensed veterinarian is available for consultation on at least a daily basis;

~~[(19)]~~ (23) "Supervisor", a licensed veterinarian employing or utilizing the services of a registered veterinary technician, veterinary intern, temporary provisional licensee, veterinary medical student, unregistered assistant or any other individual working under that veterinarian's supervision;

~~[(20)]~~ (24) "Temporary license", any temporary permission to practice veterinary medicine issued by the board pursuant to section 340.248;

~~[(21)]~~ (25) "Unregistered assistant", any individual who is not a registered veterinary technician or licensed veterinarian and is employed by a licensed veterinarian;

~~[(22)]~~ (26) "Veterinarian", "doctor of veterinary medicine", "DVM", "VMD", or equivalent title, a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds a ECFVG certificate issued by the AVMA;

~~[(23)]~~ (27) "Veterinarian-client-patient relationship", the veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and the need for medical treatment, and the client, owner or owner's agent has agreed to follow the instructions of the veterinarian. There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. Veterinarian-client-patient relationship means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination or by medically appropriate and timely visits to the premises where the animal is kept. The practicing veterinarian is readily available for follow-up care in case of adverse reactions or failure of the prescribed course of therapy;

~~[(24)]~~ (28) "Veterinary candidacy program", a program by which a person who has received a doctor of veterinary medicine or equivalent degree from an accredited school of veterinary medicine

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can obtain the practical experience required for licensing in Missouri pursuant to sections 340.200 to 340.330;

[(25)] (29) "Veterinary facility", any place or unit from which the practice of veterinary medicine is conducted, including but not limited to the following:

(a) "Veterinary or animal hospital or clinic", a facility that meets or exceeds all physical requirements and minimum standards as established by board rule for veterinary facilities; provides quality examination, diagnostic and health maintenance services for medical and surgical treatment of animals and is equipped to provide housing and nursing care for animals during illness or convalescence;

(b) "Specialty practice or clinic", a facility that provides complete specialty service by a licensed veterinarian who has advanced training in a specialty and is a diplomate of an approved specialty board. A specialty practice or clinic shall meet all minimum standards which are applicable to a specialty as established by board rule;

(c) "Central hospital", a facility that meets all requirements of a veterinary or animal hospital or clinic as defined in paragraph (a) of this subdivision and other requirements as established by board rule, and which provides specialized care, including but not limited to twenty-four-hour nursing care and specialty consultation on permanent or on-call basis. A central hospital shall be utilized primarily on referral from area veterinary hospitals or clinics;

(d) "Satellite, outpatient or mobile small animal clinic", a supportive facility owned by or associated with and has ready access to a full-service veterinary hospital or clinic or a central hospital providing all mandatory services and meeting all physical requirements and minimum standards as established by sections 340.200 to 340.330 or by board rule;

(e) "Large animal mobile clinic", a facility that provides examination, diagnostic and preventive medicine and minor surgical services for large animals not requiring confinement or hospitalization;

(f) "Emergency clinic", a facility established to receive patients and to treat illnesses and injuries of an emergency nature;

[(26)] (30) "Veterinary candidate", a person who has received a doctor of veterinary medicine or equivalent degree from an accredited school or college of veterinary medicine and who is working under the supervision of a board-approved licensed veterinarian;

[(27)] (31) "Veterinary intern", a person who has received a doctor of veterinary medicine or equivalent degree from an accredited school or college of veterinary medicine and who is participating in additional clinical training in veterinary medicine to prepare for AVMA-recognized certification or specialization;

[(28)] (32) "Veterinary medicine", the science of diagnosing, treating, changing, alleviating, rectifying, curing or preventing any animal disease, deformity, defect, injury or other physical or mental condition, including, but not limited to, the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthesia or other therapeutic or diagnostic substance or technique on any animal, including, but not limited to, acupuncture, dentistry, animal psychology, animal chiropractic, theriogenology, surgery, both general and cosmetic surgery, any manual, mechanical, biological or chemical procedure for testing for pregnancy or for correcting sterility or infertility or to render service or recommendations with regard to any of the procedures in this [paragraph] subdivision;

[(29)] (33) "Veterinary student preceptee", a person who is pursuing a veterinary degree in an accredited school of veterinary medicine which has a preceptor program and who has completed the academic requirements of such program.

340.216. PRACTICE WITHOUT LICENSE PROHIBITED, PROHIBITED ACTS — EXCEPTIONS.

— 1. It is unlawful for any person not licensed as a veterinarian under the provisions of sections 340.200 to 340.330 to practice veterinary medicine or to do any act which requires knowledge of veterinary medicine for valuable consideration, or for any person not so licensed to hold himself or herself out to

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the public as a practitioner of veterinary medicine by advertisement, the use of any title or abbreviation with the person's name, or otherwise; except that nothing in sections 340.200 to 340.330 shall be construed as prohibiting:

(1) Any person from gratuitously providing emergency treatment, aid or assistance to animals where a licensed veterinarian is not available within a reasonable length of time if the person does not represent himself or herself to be a veterinarian or use any title or degree appertaining to the practice thereof;

(2) Acts of a person who is a student in good standing in a school or college of veterinary medicine or while working as a student preceptee, in performing duties or functions assigned by the student's instructors, or while working under the appropriate level of supervision of a licensed veterinarian as is consistent with the particular delegated animal health care task as established by board rule, and acts performed by a student in a school or college of veterinary medicine recognized by the board and performed as part of the education and training curriculum of the school under the supervision of the faculty. The unsupervised or unauthorized practice of veterinary medicine, even though on the premises of a school or college of veterinary medicine, is prohibited;

(3) Personnel employed by the United States Department of Agriculture or the Missouri department of agriculture from engaging in animal disease, parasite control or eradication programs, or other functions specifically required and authorized to be performed by unlicensed federal or state officials under any lawful act or statute, except that this exemption shall not apply to such persons not actively engaged in performing or fulfilling their official duties and responsibilities;

(4) Any merchant or manufacturer from selling drugs, medicine, appliances or other products used in the prevention or treatment of animal diseases if such drug, medicine, appliance or other product is not marked by the appropriate federal label. Such merchants or manufacturers shall not, either directly or indirectly, attempt to diagnose a symptom or disease in order to advise treatment, use of drugs, medicine, appliances or other products;

(5) The owner of any animal or animals and the owner's full-time employees from caring for and treating any animals belonging to such owner, with or without the advice and consultation of a licensed veterinarian, provided that the ownership of the animal or animals is not transferred, or employment changed, to avoid the provisions of sections 340.200 to 340.330; however, only a licensed veterinarian may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance, except as otherwise provided for by board rule;

(6) Any graduate of any accredited school of veterinary medicine while engaged in a veterinary candidacy program or foreign graduate from a nonaccredited school or college of veterinary medicine while engaged in a veterinary candidacy program or clinical evaluation program, and while under the appropriate level of supervision of a licensed veterinarian performing acts which are consistent with the particular delegated animal health care task;

(7) State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof from conducting experiments and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment, or techniques for the diagnosis or treatment of human ailments, or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine;

(8) Any veterinary technician, duly registered by, and in good standing with, the board from administering medication, appliances or other products for the treatment of animals while under the appropriate level of supervision as is consistent with the delegated animal health care task; and

(9) A consulting veterinarian while working in a consulting capacity in Missouri while under the immediate supervision of a veterinarian licensed and in good standing under sections 340.200 to 340.330; and

(10) Any animal chiropractic practitioner from engaging in the practice of animal chiropractic if the animal chiropractic practitioner has received a referral of the animal from a licensed veterinarian with a current veterinarian-client-patient relationship, as defined in section 340.200. The referring veterinarian may limit the number of visits or length of treatment at the time of referral or after consultation with the animal chiropractic practitioner.

2. Nothing in sections 340.200 to 340.330 shall be construed as limiting the board's authority to provide other exemptions or exceptions to the requirements of licensing as the board may find necessary or appropriate under its rulemaking authority.

340.218. PRACTICE WITHOUT LICENSE PROHIBITED, PROHIBITED ACTS — EXCEPTIONS.

— The use of any title, words, abbreviations, letters or symbol in a manner or under circumstances which induce the reasonable belief that the person using them is qualified to do any act described in subdivision [(24)] (32) of section 340.200 is prima facie evidence of the intention to represent such person as engaged in the practice of veterinary medicine under sections 340.200 to 340.330.

340.222. SUPERVISOR RESPONSIBLE AND LIABLE, WHEN. — 1. A supervisor, as defined in subdivision [(19)] (23) of section 340.200, is individually and separately responsible and liable for the performance of the acts delegated to and the omissions of the veterinary technician, veterinary medical candidate, temporary licensee, veterinary medical preceptee, unregistered assistant or any other individual working under his or her supervision.

2. Nothing in this section shall be construed to relieve veterinary technicians, veterinary medical candidates, provisional licensees, temporary licensees, veterinary medical preceptees or unregistered assistants of any responsibility or liability for any of their own acts or omissions.

344.045. COMPLAINT PROCEDURES, DUTIES OF THE BOARD. — 1. The board shall receive complaints concerning its licensees' professional practices. The board shall establish by rule a procedure for the handling of such complaints prior to the filing of formal complaints before the administrative hearing commission. The rule shall provide, at a minimum, for the logging of each complaint received, the recording of the licensee's name, the name of the complaining party, the date of the complaint, and a brief statement of the complaint and its ultimate disposition. The rule shall provide for informing the complaining party of the progress of the investigation, the dismissal of the charges, or the filing of a complaint before the administrative hearing commission.

2. Notwithstanding any other provision of law, no complaint, investigatory report, or information received from any source shall be disclosed prior to its review by the board.

3. At its discretion, the board may disclose complaints, completed investigatory reports, and information obtained from state administrative and law enforcement agencies to a licensee or license applicant in order to further an investigation or to facilitate settlement negotiations.

4. Information obtained from a federal administrative or law enforcement agency shall be disclosed only upon receipt of written consent to the disclosure from the federal administrative or law enforcement agency.

5. At its discretion, the board may disclose complaints and investigatory reports if any such disclosure is:

(1) In the course of voluntary interstate exchange of information;

(2) In accordance with a lawful request; or

(3) To other state or federal administrative or law enforcement agencies acting within the scope of their statutory authority.

6. Except where disclosure is specifically authorized in this section and as described in section 610.021, deliberations, votes, or minutes of closed proceedings shall not be subject to disclosure or

discovery. Once a final disposition is rendered, that decision shall be made available to the parties and the public.

344.055. RECORDS, CONFIDENTIALITY AND DISCLOSURE OF. — 1. All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of the board are confidential and shall not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The board shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. The board is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person.

2. Notwithstanding the provisions of subsection 1 of this section, the board may disclose confidential information without the consent of the person involved if the disclosure is:

(1) In the course of voluntary interstate exchange of information;

(2) In accordance with a lawful request; or

(3) To other administrative or law enforcement agencies acting within the scope of their statutory authority.

3. Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing nursing home administrator licenses and the names and addresses of applicants for nursing home administrator licenses, is not confidential information.

344.102. EXPIRED OR REVOKED LICENSE, PROHIBITED FROM PRACTICING AS AN ADMINISTRATOR. — No person shall practice as a nursing home administrator in this state or hold himself or herself out as a nursing home administrator if his or her license is expired or is revoked. Expired licenses shall remain subject to disciplinary action for violations of this chapter and the rules promulgated thereunder.

SECTION 1. ADVANCE HEALTH CARE DIRECTIVE FORM AND DIRECTIONS TO BE INCLUDED ON DEPARTMENT WEBSITE. — The department of health and senior services shall include on its website an advance health care directive form and directions for completing such form as described in section 459.015. The department shall include a listing of possible uses for an advance health care directive, including to limit pain control to nonopioid measures.

[191.500. DEFINITIONS. — As used in sections 191.500 to 191.550, unless the context clearly indicates otherwise, the following terms mean:

(1) "Area of defined need", a community or section of an urban area of this state which is certified by the department of health and senior services as being in need of the services of a physician to improve the patient-doctor ratio in the area, to contribute professional physician services to an area of economic impact, or to contribute professional physician services to an area suffering from the effects of a natural disaster;

(2) "Department", the department of health and senior services;

(3) "Eligible student", a full-time student accepted and enrolled in a formal course of instruction leading to a degree of doctor of medicine or doctor of osteopathy, including psychiatry, at a participating school, or a doctor of dental surgery, doctor of dental medicine, or a bachelor of science degree in dental hygiene;

(4) "Financial assistance", an amount of money paid by the state of Missouri to a qualified applicant pursuant to sections 191.500 to 191.550;

(5) "Participating school", an institution of higher learning within this state which grants the degrees of doctor of medicine or doctor of osteopathy, and which is accredited in the appropriate degree program

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by the American Medical Association or the American Osteopathic Association, or a degree program by the American Dental Association or the American Psychiatric Association, and applicable residency programs for each degree type and discipline;

(6) "Primary care", general or family practice, internal medicine, pediatric , psychiatric, obstetric and gynecological care as provided to the general public by physicians licensed and registered pursuant to chapter 334, dental practice, or a dental hygienist licensed and registered pursuant to chapter 332;

(7) "Resident", any natural person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state;

(8) "Rural area", a town or community within this state which is not within a standard metropolitan statistical area, and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a standard metropolitan statistical area.]

[191.505. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER — MAY MAKE RULES AND REGULATIONS. — The department of health and senior services shall be the administrative agency for the implementation of the program established by sections 191.500 to 191.550. The department shall promulgate reasonable rules and regulations for the exercise of its functions in the effectuation of the purposes of sections 191.500 to 191.550. It shall prescribe the form and the time and method of filing applications and supervise the processing thereof.]

[191.510. CONTRACTS FOR LOANS TO INCLUDE TERMS. — The department shall enter into a contract with each applicant receiving a state loan under sections 191.500 to 191.550 for repayment of the principal and interest and for forgiveness of a portion thereof for participation in the service areas as provided in sections 191.500 to 191.550.]

[191.515. REQUIREMENTS FOR APPLICATION. — An eligible student may apply to the department for a loan under sections 191.500 to 191.550 only if, at the time of his application and throughout the period during which he receives the loan, he has been formally accepted as a student in a participating school in a course of study leading to the degree of doctor of medicine or doctor of osteopathy, including psychiatry, or a doctor of dental surgery, a doctor of dental medicine, or a bachelor of science degree in dental hygiene, and is a resident of this state.]

[191.520. MAXIMUM AMOUNT OF LOANS — SOURCE OF FUNDS. — No loan to any eligible student shall exceed twenty-five thousand dollars for each academic year, which shall run from August first of any year through July thirty-first of the following year. All loans shall be made from funds appropriated to the medical school loan and loan repayment program fund created by section 191.600, by the general assembly.]

[191.525. NUMBER OF LOANS AVAILABLE — TO WHOM — LENGTH OF LOANS. — No more than twenty-five loans shall be made to eligible students during the first academic year this program is in effect. Twenty-five new loans may be made for the next three academic years until a total of one hundred loans are available. At least one-half of the loans shall be made to students from rural areas as defined in section 191.500. An eligible student may receive loans for each academic year he is pursuing a course of study directly leading to a degree of doctor of medicine or doctor of osteopathy, doctor of dental surgery, or doctor of dental medicine, or a bachelor of science degree in dental hygiene.]

[191.530. INTEREST ON LOANS — REPAYMENT TERMS — TEMPORARY DEFERRAL. — Interest at the rate of nine and one-half percent per year shall be charged on all loans made under sections 191.500 to 191.550 but one-fourth of the interest and principal of the total loan at the time of the

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awarding of the degree shall be forgiven for each year of participation by an applicant in the practice of his profession in a rural area or an area of defined need. The department shall grant a deferral of interest and principal payments to a loan recipient who is pursuing an internship or a residency in primary care. The deferral shall not exceed three years. The status of each loan recipient receiving a deferral shall be reviewed annually by the department to ensure compliance with the intent of this provision. The loan recipient will repay the loan beginning with the calendar year following completion of his internship or his primary care residency in accordance with the loan contract.]

[191.535. TERMINATION OF COURSE OF STUDY, EFFECT. — If a student ceases his study prior to receiving a degree, interest at the rate specified in section 191.530 shall be charged on the amount received from the state under the provisions of sections 191.500 to 191.550.]

[191.540. REPAYMENT SCHEDULES — BREACH OF CONTRACT. — 1. The department shall establish schedules and procedures for repayment of the principal and interest of any loan made under the provisions of sections 191.500 to 191.550 and not forgiven as provided in section 191.530.

2. A penalty shall be levied against a person in breach of contract. Such penalty shall be twice the sum of the principal and the accrued interest.]

[191.545. RECOVERY — ACTIONS FOR. — When necessary to protect the interest of the state in any loan transaction under sections 191.500 to 191.550, the board may institute any action to recover any amount due.]

[191.550. APPROVAL OF CONTRACTS. — The contracts made with the participating students shall be approved by the attorney general.]

[335.212. DEFINITIONS. — As used in sections 335.212 to 335.242, the following terms mean:

(1) "Board", the Missouri state board of nursing;

(2) "Department", the Missouri department of health and senior services;

(3) "Director", director of the Missouri department of health and senior services;

(4) "Eligible student", a resident who has been accepted as a full-time student in a formal course of instruction leading to an associate degree, a diploma, a bachelor of science, a master of science in nursing (M.S.N.), a doctorate in nursing (Ph.D. or D.N.P.), or a student with a master of science in nursing seeking a doctorate in education (Ed.D.), or leading to the completion of educational requirements for a licensed practical nurse. The doctoral applicant may be a part-time student;

(5) "Participating school", an institution within this state which is approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242, having a nursing department and offering a course of instruction based on nursing theory and clinical nursing experience;

(6) "Qualified applicant", an eligible student approved by the board for participation in the professional and practical nursing student loan program established by sections 335.212 to 335.242;

(7) "Qualified employment", employment on a full-time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020 or in any agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section;

(8) "Resident", any person who has lived in this state for one or more years for any purpose other than the attending of an educational institution located within this state.]

[335.215. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAMS — ADVISORY PANEL — MEMBERS — RULES, PROCEDURE. — 1. The department of health and senior services shall be the administrative agency for the implementation of the professional and practical nursing student loan program established under sections 335.212 to 335.242, and the nursing student loan repayment program established under sections 335.245 to 335.259.

2. An advisory panel of nurses shall be appointed by the director. It shall be composed of not more than eleven members representing practical, associate degree, diploma, baccalaureate and graduate nursing education, community health, primary care, hospital, long-term care, a consumer, and the Missouri state board of nursing. The panel shall make recommendations to the director on the content of any rules, regulations or guidelines prior to their promulgation. The panel may make recommendations to the director regarding fund allocations for loans and loan repayment based on current nursing shortage needs.

3. The department of health and senior services shall promulgate reasonable rules and regulations for the exercise of its function pursuant to sections 335.212 to 335.259. It shall prescribe the form, the time and method of filing applications and supervise the proceedings thereof. No rule or portion of a rule promulgated under the authority of sections 335.212 to 335.257 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

4. Ninety-five percent of funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in professional nursing programs in participating schools and five percent of the funds loaned pursuant to sections 335.212 to 335.242 shall be loaned to qualified applicants who are enrolled in practical nursing programs. Priority shall be given to eligible students who have established financial need. All loan repayment funds pursuant to sections 335.245 to 335.259 shall be used to reimburse successful associate, diploma, baccalaureate or graduate professional nurse applicants' educational loans who agree to serve in areas of defined need as determined by the department.]

[335.218. NURSE LOAN REPAYMENT FUND ESTABLISHED — ADMINISTRATION. — There is hereby established the "Professional and Practical Nursing Student Loan and Nurse Loan Repayment Fund". All fees pursuant to section 335.221, general revenue appropriations to the student loan or loan repayment program, voluntary contributions to support or match the student loan and loan repayment program activities, funds collected from repayment and penalties, and funds received from the federal government shall be deposited in the state treasury and be placed to the credit of the professional and practical nursing student loan and nurse loan repayment fund. The fund shall be managed by the department of health and senior services and all administrative costs and expenses incurred as a result of the effectuation of sections 335.212 to 335.259 shall be paid from this fund.]

[335.221. EDUCATION SURCHARGE, AMOUNT, DEPOSIT IN NURSING STUDENT LOAN AND NURSE LOAN REPAYMENT FUND. — The board, in addition to any other duties it may have regarding licensure of nurses, shall collect, at the time of licensure or licensure renewal, an education surcharge from each person licensed or relicensed pursuant to sections 335.011 to 335.096, in the amount of one dollar per year for practical nurses and five dollars per year for professional nurses. These funds shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund. All expenditures authorized by sections 335.212 to 335.259 shall be paid from funds appropriated by the general assembly from the professional and practical nursing student loan and nurse loan repayment fund. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.]

[335.224. CONTRACTS FOR REPAYMENT OF LOANS. — The department of health and senior services shall enter into a contract with each qualified applicant receiving financial assistance under the provisions of sections 335.212 to 335.242 for repayment of the principal and interest.]

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Matter underscored is proposed language.

[335.227. ELIGIBILITY FOR LOAN. — An eligible student may apply to the department for financial assistance under the provisions of sections 335.212 to 335.242 if, at the time of his application for a loan, the eligible student has formally applied for acceptance at a participating school. Receipt of financial assistance is contingent upon acceptance and continued enrollment at a participating school.]

[335.230. FINANCIAL ASSISTANCE, AMOUNT. — Financial assistance to any qualified applicant shall not exceed ten thousand dollars for each academic year for a professional nursing program and shall not exceed five thousand dollars for each academic year for a practical nursing program. All financial assistance shall be made from funds credited to the professional and practical nursing student loan and nurse loan repayment fund. A qualified applicant may receive financial assistance for each academic year he remains a student in good standing at a participating school.]

[335.233. SCHEDULE FOR REPAYMENT OF LOAN — INTEREST, AMOUNT. — The department shall establish schedules for repayment of the principal and interest on any financial assistance made under the provisions of sections 335.212 to 335.242. Interest at the rate of nine and one-half percent per annum shall be charged on all financial assistance made under the provisions of sections 335.212 to 335.242, but the interest and principal of the total financial assistance granted to a qualified applicant at the time of the successful completion of a nursing degree, diploma program or a practical nursing program shall be forgiven through qualified employment.]

[335.236. REPAYMENT OF LOAN — WHEN. — The financial assistance recipient shall repay the financial assistance principal and interest beginning not more than six months after completion of the degree for which the financial assistance was made in accordance with the repayment contract. If an eligible student ceases his study prior to successful completion of a degree or graduation at a participating school, interest at the rate specified in section 335.233 shall be charged on the amount of financial assistance received from the state under the provisions of sections 335.212 to 335.242, and repayment, in accordance with the repayment contract, shall begin within ninety days of the date the financial aid recipient ceased to be an eligible student. All funds repaid by recipients of financial assistance to the department shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]

[335.239. DEFERRAL OF REPAYMENT OF LOANS — WHEN. — The department shall grant a deferral of interest and principal payments to a financial assistance recipient who is pursuing an advanced degree, special nursing program, or upon special conditions established by the department. The deferral shall not exceed four years. The status of each deferral shall be reviewed annually by the department of health and senior services to ensure compliance with the intent of this section.]

[335.242. ACTION TO RECOVER LOANS DUE. — When necessary to protect the interest of the state in any financial assistance transaction under sections 335.212 to 335.259, the department of health and senior services may institute any action to recover any amount due.]

[335.245. DEFINITIONS. — As used in sections 335.245 to 335.259, the following terms mean:

- (1) "Department", the Missouri department of health and senior services;
- (2) "Eligible applicant", a Missouri licensed nurse who has attained either an associate degree, a diploma, a bachelor of science, or graduate degree in nursing from an accredited institution approved by the board of nursing or a student nurse in the final year of a full-time baccalaureate school of nursing leading to a baccalaureate degree or graduate nursing program leading to a master's degree in nursing and has agreed to serve in an area of defined need as established by the department;

(3) "Participating school", an institution within this state which grants an associate degree in nursing, grants a bachelor or master of science degree in nursing or provides a diploma nursing program which is accredited by the state board of nursing, or a regionally accredited institution in this state which provides a bachelor of science completion program for registered professional nurses;

(4) "Qualified employment", employment on a full-time basis in Missouri in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital as defined in section 197.020 or public or nonprofit agency, institution, or organization located in an area of need as determined by the department of health and senior services. Any forgiveness of such principal and interest for any qualified applicant engaged in qualified employment on a less than full-time basis may be prorated to reflect the amounts provided in this section.]

[335.248. DEPARTMENT OF HEALTH AND SENIOR SERVICES TO ADMINISTER PROGRAM — RULES AND REGULATIONS. — Sections 335.245 to 335.259 shall be known as the "Nursing Student Loan Repayment Program". The department of health and senior services shall be the administrative agency for the implementation of the authority established by sections 335.245 to 335.259. The department shall promulgate reasonable rules and regulations necessary to implement sections 335.245 to 335.259. Promulgated rules shall include, but not be limited to, applicant eligibility, selection criteria, prioritization of service obligation sites and the content of loan repayment contracts, including repayment schedules for those in default and penalties. The department shall promulgate rules regarding recruitment opportunities for minority students into nursing schools. Priority for student loan repayment shall be given to eligible applicants who have demonstrated financial need. All funds collected by the department from participants not meeting their contractual obligations to the state shall be deposited in the professional and practical nursing student loan and nurse loan repayment fund for use pursuant to sections 335.212 to 335.259.]

[335.251. LOAN REPAYMENT CONTRACT — QUALIFIED EMPLOYMENT — RECOVERY OF AMOUNTS DUE. — Upon proper verification to the department by the eligible applicant of securing qualified employment in this state, the department shall enter into a loan repayment contract with the eligible applicant to repay the interest and principal on the educational loans of the applicant to the limit of the contract, which contract shall provide for instances of less than full-time qualified employment consistent with the provisions of section 335.233, out of any appropriation made to the professional and practical nursing student loan and nurse loan repayment fund. If the applicant breaches the contract by failing to begin or complete the qualified employment, the department is entitled to recover the total of the loan repayment paid by the department plus interest on the repaid amount at the rate of nine and one-half percent per annum.]

[335.254. LAW NOT TO REQUIRE CERTAIN CONTRACTS. — Sections 335.212 to 335.259 shall not be construed to require the department to enter into contracts with individuals who qualify for nursing education loans or nursing loan repayment programs when federal, state and local funds are not available for such purposes.]

[335.257. VERIFICATION OF QUALIFIED EMPLOYMENT. — Successful applicants for whom loan payments are made under the provisions of sections 335.245 to 335.259 shall verify to the department twice each year in the manner prescribed by the department that qualified employment in this state is being maintained.]

SECTION B. EMERGENCY CLAUSE FOR A CERTAIN SECTION. — Because immediate action is necessary to address the shortage of health care providers in this state, the enactment of section

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

191.592 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 191.592 of this act shall be in full force and effect upon its passage and approval.

Approved July 6, 2023

SS SCS SB 167 & 171

Enacts provisions relating to medical requirements for commercial vehicle operators.

AN ACT to repeal section 302.768, RSMo, and to enact in lieu thereof one new section relating to medical requirements for commercial vehicle operators.

SECTION

- A Enacting clause.
302.768 Compliance with federal law, certification required — application requirements, procedure.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 302.768, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.768, to read as follows:

302.768. COMPLIANCE WITH FEDERAL LAW, CERTIFICATION REQUIRED — APPLICATION REQUIREMENTS, PROCEDURE. — 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) Nonexcepted interstate: certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) Excepted interstate: certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) Nonexcepted intrastate: certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) Excepted intrastate: certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories described in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver], until such time as the medical examiner's certificate information is received electronically]. Documentation required under

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this subsection may be provided in person, or may be provided by mail, facsimile, or electronic mail, or through a verification system approved by the Federal Motor Carrier Safety Administration. The state shall retain the documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide updated medical certificate or variance information to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges.

5. The director shall post the medical examiner's certificate of information, medical variance if applicable, the applicant's self-certification and certification status to the Missouri driver record within ten calendar days and such information will become part of the CDLIS driver record.

6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiner's certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to annually comply with requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification.

7. The department of revenue may, by rule, establish the cost and criteria for submission of updated medical certification status information as required under this section.

8. Any person who falsifies any information in an application for or update of medical certification status information for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be cancelled for a period of one year after the director discovers such falsification.

9. The director may promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

Approved June 7, 2023

CCS HCS SB 186

Enacts provisions relating to public safety, with penalty provisions.

AN ACT to repeal sections 37.725, 43.400, 43.401, 43.539, 43.540, 57.280, 57.952, 57.961, 57.967, 57.991, 67.145, 70.631, 84.344, 84.480, 84.510, 94.900, 94.902, 170.310, 190.091, 190.100, 190.103, 190.134, 190.142, 190.147, 190.255, 190.327, 190.460, 192.2405, 195.206, 208.1032, 210.305, 210.565, 285.040, 287.067, 287.245, 301.3175, 320.210, 320.400, 321.225, 321.246, 321.620, 407.302, 488.435, 537.037, 558.031, 569.010, 569.100, 570.010, 570.030, 571.030, 575.095, 590.040, 590.080, 595.209, 610.021, 650.320, 650.330, and 650.340, RSMo, and to enact in lieu thereof seventy new sections relating to public safety, with penalty provisions.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

SECTION

- A Enacting clause.
- 37.725 Files may be disclosed at discretion of child advocate, exceptions — privileged information — penalty for disclosure of confidential material.
- 43.253 Fee for certain records request, amount — increase permitted, cap.
- 43.400 Definitions.
- 43.401 Reports, information to be included, entry of data into computer systems — report to be maintained as record during investigation — removal of record, when — missing child complaint, requirements.
- 43.539 Criminal record review, youth agencies and care of children, elderly, or disabled persons — definitions — Rap Back program, requirements, fingerprints — information to be provided by applicant — confidentiality — notification and forms provided by patrol.
- 43.540 Criminal record review, certain applicants and qualified entities — definitions — Rap Back program, requirements, fingerprints — information to be provided by applicant — confidentiality — notifications and forms provided by patrol.
- 57.280 Sheriff to receive charge, civil cases — service of process, fee, procedure — court cost for service of process, when, amount.
- 57.952 Sheriffs' retirement fund — management — source — effect of insufficient funds on benefits — county payroll deduction.
- 57.961 Membership in system — member contribution required, procedure — certain cities and counties may join, how — rulemaking authority.
- 57.967 Normal annuity, calculation, minimum amount — medical insurance premiums for retired members — surviving spouse of member dying before retirement, benefits.
- 57.991 Effect of benefits on eligibility for benefits in other systems.
- 67.145 First responders, political activity while off duty and not in uniform, political subdivisions not to prohibit — first responder defined.
- 70.631 Addition of public safety personnel members to the system, how — requirements and limitations.
- 84.344 Establishment of municipal police force authorized — procedure — employment of commissioned and civil personnel — separate division to be established, procedure — benefits for personnel — transition committee, duties.
- 84.480 Chief of police — appointment — qualifications — compensation.
- 84.510 Police officers and officials — appointment — compensation.
- 94.900 Sales tax authorized (Blue Springs, Centralia, Excelsior Springs, Fayette, Harrisonville, Lebanon, Marshall, Odessa, Portageville, Riverside, Smithville, St. Joseph, and certain other fourth class cities) — proceeds to be used for public safety purposes — ballot language — collection of tax, procedure.
- 94.902 Sales tax authorized for certain cities (Branson West, Clinton, Cole Camp, Fayette, Gladstone, Grandview, Liberty, North Kansas City, Raytown, Riverside, and certain other fourth class cities) — ballot, effective date — administration and collection — refunds, use of funds upon establishment of tax — repeal — automatic expiration date, when.
- 170.310 Cardiopulmonary resuscitation instruction and training, grades nine through twelve, requirements — rulemaking authority.
- 190.091 Vaccination program for first responders and telecommunicators offered — definitions — participation voluntary, exception — contingent effective date.
- 190.100 Definitions.

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Matter underscored is proposed language.

- 190.103 Regional EMS medical director, powers, duties — considered public official, when — online telecommunication medical direction permitted — treatment protocols for special needs patients.
- 190.142 Emergency medical technician license, requirements — rules.
- 190.147 Behavioral health patients — temporary hold, when — memorandum of understanding, contents — physical restraints, use of.
- 190.255 Opioid overdose drugs and devices, first responder may administer, when — definition.
- 190.327 Board appointed, when — board elected, when — duties — commission to relinquish duties to board — qualifications — board, powers and duties — board appointed for other political subdivisions contracting for service — members.
- 190.460 Prepaid wireless emergency telephone service charge — definitions — amount, how collected — deposit and use of moneys — rates, how set — effective date.
- 190.1010 Peer support counseling, confidentiality, exceptions — requirements.
- 192.2405 Mandatory reporters--penalty for failure to report.
- 195.206 Opioid antagonist or addiction mitigation medicine, sale and dispensing of by pharmacists, possession of — administration of, contacting emergency personnel — immunity from liability, when.
- 195.817 Fingerprinting requirements, marijuana facilities — definitions.
- 208.1032 Intergovernmental transfer program — increased reimbursement for services, when — participation requirements.
- 210.305 Emergency placements, grandparent or relative placement preferred — definitions — diligent efforts search, when — court filing, contents — notice requirements.
- 210.565 Relatives of child shall be given foster home placement, when — definitions — order of preference — specific findings required, when — sibling placement — age of relative not a factor, when — federal requirements to be followed for placement of Native American children — waiver of certain standards, when — GAL to ascertain child's wishes, when.
- 210.795 Report of missing children, procedure — protocols — annual audit, when.
- 285.040 Public safety employees — residency requirements (City of St. Louis).
- 287.067 Occupational disease defined — repetitive motion, loss of hearing, radiation injury, communicable disease, others — posttraumatic stress disorder (PTSD).
- 287.245 Volunteer firefighters, grants for workers' compensation insurance premiums — or critical illness benefits pool.
- 301.3175 Back the Blue special license plate, application, fee.
- 320.210 Employees, how appointed, qualifications.
- 320.400 Critical illness benefits pool — definitions — creation, employer contributions — benefits, amount — other payments, when — grants — effect on worker's compensation determinations.
- 321.225 Emergency ambulance services, may provide — election — tax levy — additional tax levy, paramedic first responder program — defeat of levy, old levy to remain in effect — emergency, defined.
- 321.246 Fire protection districts, sales tax authorized for districts within certain counties and cities — ballot contents — trust fund — collection by director of revenue — refunds.
- 321.620 Ambulance services may be provided — emergency, defined — election held when, procedure to call — additional tax levy, paramedic first responder program, amount — if tax levy fails, old levy to remain in effect.
- 362.034 Marijuana facilities, request for certain agencies to share information with banking institutions — procedure.

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Matter underscored is proposed language.

- 407.302 Metal belonging to various entities — scrap yard not to purchase — violation, penalty.
- 488.435 Sheriff to receive charges for civil cases.
- 537.037 Emergency care, no civil liability, exceptions (Good Samaritan law).
- 544.453 Bail or conditions of release, factors to consider.
- 558.031 Calculation of terms of imprisonment — credit for jail time awaiting trial, requirements.
- 569.010 Chapter definitions.
- 569.100 Property damage in the first degree — penalties.
- 570.010 Chapter definitions.
- 570.030 Stealing — penalties.
- 571.030 Unlawful use of weapons, offense of — exceptions — violation, penalties.
- 575.095 Tampering with a judicial officer — penalty.
- 578.156 Interference with the transportation of livestock, offense of — penalties.
- 579.041 Drug masking product, unlawful distribution, delivery, or sale of — penalty.
- 579.088 Fentanyl, devices to detect the presence of permitted.
- 590.033 Chief of police training course, POST commission to establish minimum standards — exemption, when — failure to complete, loss of funds — compensation.
- 590.040 Minimum hours of basic training required.
- 590.080 Discipline of peace officers, grounds — complaint filed, hearing.
- 590.1070 Tuition reimbursement program established — POST commission duties — eligibility for reimbursement — rulemaking authority.
- 590.1075 Tuition reimbursement fund created, use of moneys.
- 595.209 Rights of victims and witnesses — written notification, requirements.
- 610.021 Closed meetings and closed records authorized when, exceptions.
- 650.320 Definitions.
- 650.330 Board members, duties — department of public safety to provide staff — rulemaking authority.
- 650.340 911 training and standards — requirements.
 - 1 Exoneree defined — identification documents, department policy and procedures to assist exonerees in obtaining.
- 190.134 Dispatch agency, requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 37.725, 43.400, 43.401, 43.539, 43.540, 57.280, 57.952, 57.961, 57.967, 57.991, 67.145, 70.631, 84.344, 84.480, 84.510, 94.900, 94.902, 170.310, 190.091, 190.100, 190.103, 190.134, 190.142, 190.147, 190.255, 190.327, 190.460, 192.2405, 195.206, 208.1032, 210.305, 210.565, 285.040, 287.067, 287.245, 301.3175, 320.210, 320.400, 321.225, 321.246, 321.620, 407.302, 488.435, 537.037, 558.031, 569.010, 569.100, 570.010, 570.030, 571.030, 575.095, 590.040, 590.080, 595.209, 610.021, 650.320, 650.330, and 650.340, RSMo, are repealed and seventy new sections enacted in lieu thereof, to be known as sections 37.725, 43.253, 43.400, 43.401, 43.539, 43.540, 57.280, 57.952, 57.961, 57.967, 57.991, 67.145, 70.631, 84.344, 84.480, 84.510, 94.900, 94.902, 170.310, 190.091, 190.100, 190.103, 190.142, 190.147, 190.255, 190.327, 190.460, 190.1010, 192.2405, 195.206, 195.817, 208.1032, 210.305, 210.565, 210.795, 285.040, 287.067, 287.245, 301.3175, 320.210, 320.400, 321.225, 321.246, 321.620, 362.034, 407.302, 488.435, 537.037, 544.453, 558.031, 569.010, 569.100, 570.010, 570.030, 571.030, 575.095, 578.156, 579.041, 579.088, 590.033, 590.040, 590.080, 590.1070, 590.1075, 595.209, 610.021, 650.320, 650.330, 650.340, and 1, to read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

37.725. FILES MAY BE DISCLOSED AT DISCRETION OF CHILD ADVOCATE, EXCEPTIONS — PRIVILEGED INFORMATION — PENALTY FOR DISCLOSURE OF CONFIDENTIAL MATERIAL. —

1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:

(1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; [or]

(2) Such disclosure is required by court order; or

(3) The disclosure is at the request of law enforcement as part of an investigation.

2. Any statement or communication made by the office relevant to a complaint received by, proceedings before, or activities of the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged and such person shall be immune from suit.

3. Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to receive it, the name of any witness examined or any information obtained or given during such examination is guilty of a class A misdemeanor. However, the office conducting or participating in any examination of a complaint shall disclose the final result of the examination with the consent of the recipient.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections 37.700 to 37.730, or where otherwise required by court order.

43.253. FEE FOR CERTAIN RECORDS REQUEST, AMOUNT — INCREASE PERMITTED, CAP.

— 1. Notwithstanding any other provision of law to the contrary, a minimum fee of six dollars may be charged by the Missouri state highway patrol for a records request for a Missouri Uniform Crash Report or Marine Accident Investigation Report where there are allowable fees of less than six dollars under this chapter or chapter 610. Such six-dollar fee shall be in place of any allowable fee of less than six dollars.

2. The superintendent of the Missouri state highway patrol may increase the minimum fee described in this section by no more than one dollar every other year beginning August 28, 2024; however, the minimum fee described in this section shall not exceed ten dollars.

43.400. DEFINITIONS. — As used in sections 43.400 to 43.410, the following terms mean:

(1) "Missing child" or "missing juvenile", any person who is under the age of [seventeen] eighteen years or who is in foster care regardless of the person's age or who is an emancipated minor as defined in section 302.178, a homeless youth as defined in section 167.020, or an unaccompanied minor as defined in section 210.121, whose temporary or permanent residence is in the state of Missouri or who is believed to be within the state of Missouri, whose location has not been determined, and who has been reported as missing to a law enforcement agency;

(2) "Missing child report", a report prepared on a standard form supplied by the Missouri state highway patrol for the use by private citizens and law enforcement agencies to report missing children or missing juvenile information to the Missouri state highway patrol;

(3) "Missing person", a person who is missing and meets one of the following characteristics:

(a) Is physically or mentally disabled to the degree that the person is dependent upon an agency or another individual;

(b) Is missing under circumstances indicating that the missing person's safety may be in danger;

(c) Is missing under involuntary or unknown circumstances; subject to the provisions of (a), (b),

(d), (e), and (f) of this subsection;

(d) Is a child or juvenile runaway from the residence of a parent, legal guardian, or custodian;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(e) Is a child and is missing under circumstances indicating that the person was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order and fourteen or more days have elapsed, during which time the party has failed to file any pleading with the court seeking modification of the permanent or temporary court order;

(f) Is missing under circumstances indicating that the person was or is in the presence of or under the control of a party whose presence or control was or is in violation of a permanent or temporary court order and there are reasonable grounds to believe that the person may be taken outside of the United States;

(4) "Patrol", the Missouri state highway patrol;

(5) "Registrar", the state registrar of vital statistics.

43.401. REPORTS, INFORMATION TO BE INCLUDED, ENTRY OF DATA INTO COMPUTER SYSTEMS — REPORT TO BE MAINTAINED AS RECORD DURING INVESTIGATION — REMOVAL OF RECORD, WHEN — MISSING CHILD COMPLAINT, REQUIREMENTS. — 1. The reporting of missing persons by law enforcement agencies, private citizens, and the responsibilities of the patrol in maintaining accurate records of missing persons are as follows:

(1) A person may file a complaint of a missing person with a law enforcement agency having jurisdiction. The complaint shall include, but need not be limited to, the following information:

- (a) The name of the complainant;
- (b) The name, address, and phone number of the guardian, if any, of the missing person;
- (c) The relationship of the complainant to the missing person;
- (d) The name, age, address, and all identifying characteristics of the missing person;
- (e) The length of time the person has been missing; and
- (f) All other information deemed relevant by either the complainant or the law enforcement agency;

(2) A report of the complaint of a missing person shall be immediately entered into the Missouri uniform law enforcement system (MULES) and the National Crime Information Center (NCIC) system by the law enforcement agency receiving the complaint, and disseminated to other law enforcement agencies who may come in contact with or be involved in the investigation or location of a missing person;

(3) A law enforcement agency with which a complaint of a missing child has been filed shall prepare, as soon as practicable, a standard missing child report. The missing child report shall be maintained as a record by the reporting law enforcement agency during the course of an active investigation;

(4) Upon the location of a missing person, or the determination by the law enforcement agency of jurisdiction that the person is no longer missing, the law enforcement agency which reported the missing person shall immediately remove the record of the missing person from the MULES and NCIC files.

2. No law enforcement agency shall prevent an immediate active investigation on the basis of an agency rule which specifies an automatic time limitation for a missing person investigation.

3. Any agency or placement provider, parent, or guardian with the care and custody of a child who is missing shall file a missing child complaint with the appropriate law enforcement agency within two hours of determining the child to be missing. The law enforcement agency shall immediately submit information as to the missing child to the National Center for Missing and Exploited Children (NCMEC) including, but not limited to, the name, date of birth, sex, race, height, weight, and eye and hair color of the child; a recent photograph of the child; and the date and location of the last known contact with the child. The law enforcement agency shall institute a proper investigation and search for the missing child and maintain contact with the agency or placement provider making the missing child complaint. The missing child's entry shall not be removed from any database or system until the child is found or the case is closed.

43.539. CRIMINAL RECORD REVIEW, YOUTH AGENCIES AND CARE OF CHILDREN, ELDERLY, OR DISABLED PERSONS — DEFINITIONS — RAP BACK PROGRAM, REQUIREMENTS, FINGERPRINTS — INFORMATION TO BE PROVIDED BY APPLICANT — CONFIDENTIALITY — NOTIFICATION AND FORMS PROVIDED BY PATROL. — 1. As used in this section, the following terms mean:

- (1) "Applicant", a person who:
 - (a) Is actively employed by or seeks employment with a qualified entity;
 - (b) Is actively licensed or seeks licensure with a qualified entity;
 - (c) Actively volunteers or seeks to volunteer with a qualified entity;
 - (d) Is actively contracted with or seeks to contract with a qualified entity; or
 - (e) Owns or operates a qualified entity;
- (2) "Care", the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or disabled persons;
- (3) "Missouri criminal record review", a review of criminal history records and sex offender registration records under sections 589.400 to 589.425 maintained by the Missouri state highway patrol in the Missouri criminal records repository;
- (4) "Missouri Rap Back program", any type of automatic notification made by the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense in Missouri as required under section 43.506;
- (5) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;
- (6) "National Rap Back program", any type of automatic notification made by the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;
- (7) "Patient or resident", a person who by reason of age, illness, disease, or physical or mental infirmity receives or requires care or services furnished by an applicant, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated, or accommodated in a facility as defined in section 198.006, for a period exceeding twenty-four consecutive hours;
- (8) "Qualified entity", a person, business, or organization that provides care, care placement, or educational services for children, the elderly, or persons with disabilities as patients or residents, including a business or organization that licenses or certifies others to provide care or care placement services;
- (9) "Youth services agency", any agency, school, or association that provides programs, care, or treatment for or exercises supervision over minors.

2. The central repository shall have the authority to submit applicant fingerprints to the National Rap Back program to be retained for the purpose of being searched against future submissions to the National Rap Back program, including latent fingerprint searches. Qualified entities may conduct Missouri and national criminal record reviews on applicants and participate in Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a permit, license, or employment, and shall abide by the following requirements:

- (1) The qualified entity shall register with the Missouri state highway patrol prior to submitting a request for screening under this section. As part of the registration, the qualified entity shall indicate if it chooses to enroll applicants in the Missouri and National Rap Back programs;
- (2) Qualified entities shall notify applicants subject to a criminal record review under this section that the applicant's fingerprints shall be retained by the state central repository and the Federal Bureau of Investigation and shall be searched against other fingerprints on file, including latent fingerprints;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back program that the applicant's fingerprints, while retained, may continue to be compared against other fingerprints submitted or retained by the Federal Bureau of Investigation, including latent fingerprints;

(4) The criminal record review and Rap Back process described in this section shall be voluntary and conform to the requirements established in the National Child Protection Act of 1993, as amended, and other applicable state or federal law. As a part of the registration, the qualified entity shall agree to comply with state and federal law and shall indicate so by signing an agreement approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure compliance with federal law and this section;

(5) A qualified entity shall submit to the Missouri state highway patrol a request for screening on applicants covered under this section using a completed fingerprint card;

(6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with the National Child Protection Act of 1993, as amended, and other applicable state or federal laws;

(7) The Missouri state highway patrol shall provide, directly to the qualified entity, the applicant's state criminal history records that are not exempt from disclosure under chapter 610 or otherwise confidential under law;

(8) The national criminal history data shall be available to qualified entities to use only for the purpose of screening applicants as described under this section. The Missouri state highway patrol shall provide the applicant's national criminal history record information directly to the qualified entity;

(9) The determination whether the criminal history record shows that the applicant has been convicted of or has a pending charge for any crime that bears upon the fitness of the applicant to have responsibility for the safety and well-being of children, the elderly, or disabled persons shall be made solely by the qualified entity. This section shall not require the Missouri state highway patrol to make such a determination on behalf of any qualified entity;

(10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a copy of any criminal record review, including the criminal history records, if any, contained in the report and of the applicant's right to challenge the accuracy and completeness of any information contained in any such report and obtain a determination as to the validity of such challenge before a final determination regarding the applicant is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the Missouri state highway patrol for those applicants subject to the required screening; and

(11) Failure to obtain the information authorized under this section, with respect to an applicant, shall not be used as evidence in any negligence action against a qualified entity. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this section.

3. The criminal record review shall include the submission of fingerprints to the Missouri state highway patrol, who shall conduct a Missouri criminal record review, including closed record information under section 610.120. The Missouri state highway patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record review.

4. The applicant subject to a criminal record review shall provide the following information to the qualified entity:

(1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and participate in the Missouri and National Rap Back programs;

(2) Consent to obtain the identifying information required to conduct the criminal record review, which may include, but not be limited to:

- (a) Name;
- (b) Date of birth;
- (c) Height;
- (d) Weight;
- (e) Eye color;
- (f) Hair color;
- (g) Gender;
- (h) Race;
- (i) Place of birth;
- (j) Social Security number; and
- (k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity under the provisions of this section shall be used solely for internal purposes in determining the suitability of an applicant. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential, and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. A qualified entity enrolled in either the Missouri or National Rap Back program shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:

- (1) The entity has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;
- (2) The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section [within the previous six years]; and
- (3) The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.

7. The Missouri state highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

43.540. CRIMINAL RECORD REVIEW, CERTAIN APPLICANTS AND QUALIFIED ENTITIES — DEFINITIONS — RAP BACK PROGRAM, REQUIREMENTS, FINGERPRINTS — INFORMATION TO BE PROVIDED BY APPLICANT — CONFIDENTIALITY — NOTIFICATIONS AND FORMS PROVIDED BY PATROL. — 1. As used in this section, the following terms mean:

- (1) "Applicant", a person who:
 - (a) Is actively employed by or seeks employment with a qualified entity;
 - (b) Is actively licensed or seeks licensure with a qualified entity;
 - (c) Actively volunteers or seeks to volunteer with a qualified entity; or
 - (d) Is actively contracted with or seeks to contract with a qualified entity;
- (2) "Missouri criminal record review", a review of criminal history records and sex offender registration records pursuant to sections 589.400 to 589.425 maintained by the Missouri state highway patrol in the Missouri criminal records repository;
- (3) "Missouri Rap Back program", shall include any type of automatic notification made by the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense in Missouri as required under section 43.506;

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Matter underscored is proposed language.

(4) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;

(5) "National Rap Back program", shall include any type of automatic notification made by the Federal Bureau of Investigation through the Missouri state highway patrol to a qualified entity indicating that an applicant who is employed, licensed, or otherwise under the purview of that entity has been arrested for a reported criminal offense outside the state of Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by the arresting agency;

(6) "Qualified entity", an entity that is:

(a) An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to issue or renew a license, permit, certification, or registration of authority;

(b) An office or division of state, county, or municipal government, including a political subdivision or a board or commission designated by statute or approved local ordinance, to make fitness determinations on applications for state, county, or municipal government employment; or

(c) Any entity that is authorized to obtain criminal history record information under 28 CFR 20.33.

2. The central repository shall have the authority to submit applicant fingerprints to the National Rap Back program to be retained for the purpose of being searched against future submissions to the National Rap Back program, including latent fingerprint searches. Qualified entities may conduct Missouri and national criminal record reviews on applicants and participate in Missouri and National Rap Back programs for the purpose of determining suitability or fitness for a permit, license, or employment, and shall abide by the following requirements:

(1) The qualified entity shall register with the Missouri state highway patrol prior to submitting a request for screening under this section. As part of such registration, the qualified entity shall indicate if it chooses to enroll their applicants in the Missouri and National Rap Back programs;

(2) Qualified entities shall notify applicants subject to a criminal record review under this section that the applicant's fingerprints shall be retained by the state central repository and the Federal Bureau of Investigation and shall be searched against other fingerprints on file, including latent fingerprints;

(3) Qualified entities shall notify applicants subject to enrollment in the National Rap Back program that the applicant's fingerprints, while retained, may continue to be compared against other fingerprints submitted or retained by the Federal Bureau of Investigation, including latent fingerprints;

(4) The criminal record review and Rap Back process described in this section shall be voluntary and conform to the requirements established in Pub. L. 92-544 and other applicable state or federal law. As a part of the registration, the qualified entity shall agree to comply with state and federal law and shall indicate so by signing an agreement approved by the Missouri state highway patrol. The Missouri state highway patrol may periodically audit qualified entities to ensure compliance with federal law and this section;

(5) A qualified entity shall submit to the Missouri state highway patrol a request for screening on applicants covered under this section using a completed fingerprint card;

(6) Each request shall be accompanied by a reasonable fee, as provided in section 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national criminal record review and enrollment in the National Rap Back program in compliance with applicable state or federal laws;

(7) The Missouri state highway patrol shall provide, directly to the qualified entity, the applicant's state criminal history records that are not exempt from disclosure under chapter 610 or are otherwise confidential under law;

(8) The national criminal history data shall be available to qualified entities to use only for the purpose of screening applicants as described under this section. The Missouri state highway patrol shall provide the applicant's national criminal history record information directly to the qualified entity;

(9) This section shall not require the Missouri state highway patrol to make an eligibility determination on behalf of any qualified entity;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter underscored is proposed language.

(10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain a copy of any criminal record review, including the criminal history records, if any, contained in the report, and of the applicant's right to challenge the accuracy and completeness of any information contained in any such report and to obtain a determination as to the validity of such challenge before a final determination regarding the applicant is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the Missouri state highway patrol for those applicants subject to the required screening; and

(11) Failure to obtain the information authorized under this section with respect to an applicant shall not be used as evidence in any negligence action against a qualified entity. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information requested under this section.

3. The criminal record review shall include the submission of fingerprints to the Missouri state highway patrol, who shall conduct a Missouri criminal record review, including closed record information under section 610.120. The Missouri state highway patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal record review.

4. The applicant subject to a criminal record review shall provide the following information to the qualified entity:

(1) Consent to obtain the applicant's fingerprints, conduct the criminal record review, and participate in the Missouri and National Rap Back programs;

(2) Consent to obtain the identifying information required to conduct the criminal record review, which may include, but not be limited to:

- (a) Name;
- (b) Date of birth;
- (c) Height;
- (d) Weight;
- (e) Eye color;
- (f) Hair color;
- (g) Gender;
- (h) Race;
- (i) Place of birth;
- (j) Social Security number; and
- (k) The applicant's photo.

5. Any information received by an authorized state agency or a qualified entity pursuant to the provisions of this section shall be used solely for internal purposes in determining the suitability of an applicant. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. A qualified entity enrolled in either the Missouri or National Rap Back programs shall be notified by the Missouri state highway patrol that a new arrest has been reported on an applicant who is employed, licensed, or otherwise under the purview of the qualified entity. Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still serving in an active capacity, the entity may request and receive the individual's updated criminal history record. This process shall only occur if:

(1) The agency has abided by all procedures and rules promulgated by the Missouri state highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap Back programs;

(2) The individual upon whom the Rap Back notification is being made has previously had a Missouri and national criminal record review completed for the qualified entity under this section [within the previous six years]; and

(3) The individual upon whom the Rap Back notification is being made is a current employee, licensee, or otherwise still actively under the purview of the qualified entity.

7. The highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.

57.280. SHERIFF TO RECEIVE CHARGE, CIVIL CASES — SERVICE OF PROCESS, FEE, PROCEDURE — COURT COST FOR SERVICE OF PROCESS, WHEN, AMOUNT. — 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. The sheriff upon the receipt of the charge herein provided for shall pay into the treasury of the county any and all charges received pursuant to the provisions of this section. The funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year, shall be held in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue fund of the county. Moneys in the fund shall be used only for the procurement of services and equipment to support the operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall not lapse to the county general revenue fund at the end of any county budget or fiscal year.

4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the sheriff], or any other person specially appointed to serve in a county that receives funds under section 57.278,] shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section, in addition to the charge for such service that each sheriff receives under subsection 1 of this section. The money received by the sheriff], or any other person specially appointed to serve in a county that receives funds under section 57.278,] under this subsection shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278. Any other person specially appointed to serve in a county shall execute and deliver to the circuit clerk, along with the confirmation of service, a signed and notarized affidavit of confirmation, made under penalty of perjury, that includes the amount, check number, and date of payment to evidence payment was made to the sheriff for the deputy sheriff salary supplementation fund as required by this subsection.

5. Notwithstanding the provisions of subsection 3 of this section, the court clerk shall collect ten dollars as a court cost for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section if any person other than a sheriff is specially appointed to serve in a county that receives funds under section 57.278. The moneys received by the court clerk under this subsection shall be paid into the county treasury and the county treasurer shall make such moneys payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

[5.] 6. Sheriffs shall receive up to fifty dollars for service of any summons, writ, or other order of the court in connection with any eviction proceeding, in addition to the charge for such service that each sheriff receives under this section. All of such charges shall be received by the sheriff who is requested to perform the service and shall be paid to the county treasurer in a fund established by the county treasurer, which may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties. All charges shall be payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge.

57.952. SHERIFFS' RETIREMENT FUND — MANAGEMENT — SOURCE — EFFECT OF INSUFFICIENT FUNDS ON BENEFITS — COUNTY PAYROLL DEDUCTION. — 1. There is hereby authorized a "Sheriffs' Retirement Fund" which shall be under the management of a board of directors described in section 57.958. The board of directors shall be responsible for the administration and the investment of the funds of such sheriffs' retirement fund. [Neither] The general assembly [nor] and the governing body of a county [shall] may appropriate funds for deposit in the sheriffs' retirement fund. If insufficient funds are generated to provide the benefits payable pursuant to the provisions of sections 57.949 to 57.997, the board shall proportion the benefits according to the funds available.

2. The board may accept gifts, donations, grants, and bequests from public or private sources to the sheriffs' retirement fund.

3. Each county shall make the payroll deductions for member contributions mandated under section 57.961, and the county shall transmit such moneys to the board for deposit into the sheriffs' retirement fund.

57.961. MEMBERSHIP IN SYSTEM — MEMBER CONTRIBUTION REQUIRED, PROCEDURE — CERTAIN CITIES AND COUNTIES MAY JOIN, HOW — RULEMAKING AUTHORITY. — 1. On and after the effective date of the establishment of the system, as an incident to his or her employment or continued employment, each person employed as an elected or appointed sheriff of a county shall become a member of the system. Such membership shall continue as long as the person continues to

be an employee, or receives or is eligible to receive benefits under the provisions of sections 57.949 to 57.997.

2. Notwithstanding any other provision of law to the contrary, each person who is a member of the system on or after January 1, 2024, shall be required to contribute five percent of the member's pay to the retirement system. Such contribution shall be made notwithstanding that the minimum salary or wages provided by law for any member shall thereby be changed. Each member shall be deemed to consent and agree to the deduction made and provided for herein. Payment of a member's compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered by him or her to a county, except as to benefits provided by this system.

3. The officer or officers responsible for making up the payrolls for each county shall cause the contribution provided for in this section to be deducted from the compensation of the member in the employ of the county, on each and every payroll, for each and every payroll to the date his or her membership terminates. When deducted, each contribution shall be paid by the county to the system; the payments shall be made in the manner and shall be accompanied by such supporting data as the board shall from time to time prescribe. When paid to the system, each of the contributions shall be credited to the member from whose compensation the contributions were deducted. The contributions so deducted shall be treated as employee contributions for purposes of determining the member's pay that is includable in the member's gross income for federal income tax purposes.

4. Member contributions deducted and paid into the system by the county shall be paid from the same source of funds used for the payment of pay to a member. A deduction shall be made from each member's pay equal to the amount of the member's contributions picked up by the employer. This deduction, however, shall not reduce the member's pay for purposes of computing benefits under the retirement system under this chapter.

5. The contributions, although designated as employee contributions, shall be paid by the county in lieu of the contributions by the member. The member shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the county to the retirement system.

6. A former member who is not vested may request a refund of his or her contributions. Such refund shall be paid by the system after ninety days from the date of termination of employment or the request, whichever is later, and shall include all contributions made to any retirement plan administered by the system.

[2.] 7. Beginning September 1, 1986, any city not within a county and any county having a charter form of government may elect, by a majority vote of its governing body, to come under the provisions of sections 57.949 to 57.997 except for the provisions of section 57.955. Notice in writing of such election shall be given to the board, and the person employed as sheriff of such county, as an incident of his contract of employment or continued employment, shall become a member of the system on the first day of the month immediately following the date the board receives notice. Such membership shall continue as long as the person continues to be an employee, or receives or is eligible to receive benefits under the provisions of sections 57.949 to 57.997, and upon becoming a member he shall receive credit for all prior service as if he had become a member on December 22, 1983.

8. Subject to the limitations under sections 57.949 to 57.997, the board shall have the authority to formulate and adopt rules and regulations for the administration of these provisions.

57.967. NORMAL ANNUITY, CALCULATION, MINIMUM AMOUNT — MEDICAL INSURANCE PREMIUMS FOR RETIRED MEMBERS — SURVIVING SPOUSE OF MEMBER DYING BEFORE RETIREMENT, BENEFITS. — 1. The normal annuity of a retired member shall equal two percent of the final average compensation of the retired member multiplied by the number of years of creditable service of the retired member, except that the normal annuity shall not exceed seventy-five percent of the retired member's average final compensation. Such annuity shall be not less than one thousand dollars per month.

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Matter underscored is proposed language.

2. The board, at its last meeting of each calendar year, shall determine the monthly amount for medical insurance premiums to be paid to each retired member during the next following calendar year. The monthly amount shall not exceed four hundred fifty dollars. The monthly payments are at the discretion of the board on the advice of the actuary. The anticipated sum of all such payments during the year plus the annual normal cost plus the annual amount to amortize the unfunded actuarial accrued liability in no more than thirty years shall not exceed the anticipated moneys credited to the system pursuant to ~~[section]~~ sections 57.952 and 57.955. The money amount granted here shall not be continued to any survivor.

3. If a member with eight or more years of service dies before becoming eligible for retirement, the member's surviving spouse, if he or she has been married to the member for at least two years prior to the member's death, shall be entitled to survivor benefits under option 1 as set forth in section 57.979 as if the member had retired on the date of the member's death. The member's monthly benefit shall be calculated as the member's accrued benefit at his or her death reduced by one-fourth of one percent per month for an early commencement from the member's normal retirement date: age fifty-five with twelve or more years of creditable service or age sixty-two with eight years of creditable service, to the member's date of death. Such benefit shall be payable on the first day of the month following the member's death and shall be payable during the surviving spouse's lifetime.

57.991. EFFECT OF BENEFITS ON ELIGIBILITY FOR BENEFITS IN OTHER SYSTEMS. — 1. For members of the system prior to December 31, 2023, the benefits provided for by sections 57.949 to 57.997 shall in no way affect any person's eligibility for retirement benefits under the local government employees' retirement system, sections 70.600 to 70.755, or any other local government retirement or pension system, or in any way have the effect of reducing retirement benefits in such systems, or reducing compensation or mileage reimbursement of employees, anything to the contrary notwithstanding.

2. Any new members employed under this section, on or after January 1, 2024, shall be subject to the following provisions:

(1) A member of another state or local retirement or pension system who begins employment in a position covered by the sheriffs' retirement system shall become a member of the sheriffs' retirement system upon employment. Any membership in any other state or local retirement or pension system shall cease, except that the member shall be entitled to benefits accrued through December 31, 2023, or the commencement of membership in the sheriffs' retirement system, whichever is later; and

(2) Subject to the limitations under sections 57.949 to 57.997, the board shall have the authority to formulate and adopt rules and regulations for the administration of these provisions.

67.145. FIRST RESPONDERS, POLITICAL ACTIVITY WHILE OFF DUTY AND NOT IN UNIFORM, POLITICAL SUBDIVISIONS NOT TO PROHIBIT — FIRST RESPONDER DEFINED. — 1. No political subdivision of this state shall prohibit any first responder from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

2. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, telecommunicator first responders, police officers, sheriffs, deputy sheriffs, firefighters, [ambulance attendants and attendant drivers,] emergency medical technicians, [mobile emergency medical technicians, emergency medical technician-paramedics,] registered nurses, or physicians.

70.631. ADDITION OF PUBLIC SAFETY PERSONNEL MEMBERS TO THE SYSTEM, HOW — REQUIREMENTS AND LIMITATIONS. — 1. Each political subdivision may, by majority vote of its

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Matter underscored is proposed language.

governing body, elect to cover [emergency telecommunicators] telecommunicator first responders, jailors, and emergency medical service personnel as public safety personnel members of the system. The clerk or secretary of the political subdivision shall certify an election concerning the coverage of [emergency telecommunicators] telecommunicator first responders, jailors, and emergency medical service personnel as public safety personnel members of the system to the board within ten days after such vote. The date in which the political subdivision's election becomes effective shall be the first day of the calendar month specified by such governing body, the first day of the calendar month next following receipt by the board of the certification of the election, or the effective date of the political subdivision's becoming an employer, whichever is the latest date. Such election shall not be changed after the effective date. If the election is made, the coverage provisions shall be applicable to all past and future employment with the employer by present and future employees. If a political subdivision makes no election under this section, no [emergency] telecommunicator first responder, jailor, or emergency medical service personnel of the political subdivision shall be considered public safety personnel for purposes determining a minimum service retirement age as defined in section 70.600.

2. If an employer elects to cover [emergency telecommunicators] telecommunicator first responders, jailors, and emergency medical service personnel as public safety personnel members of the system, the employer's contributions shall be correspondingly changed effective the same date as the effective date of the political subdivision's election.

3. The limitation on increases in an employer's contributions provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer making an election under the provisions of this section.

84.344. ESTABLISHMENT OF MUNICIPAL POLICE FORCE AUTHORIZED — PROCEDURE — EMPLOYMENT OF COMMISSIONED AND CIVIL PERSONNEL — SEPARATE DIVISION TO BE ESTABLISHED, PROCEDURE — BENEFITS FOR PERSONNEL — TRANSITION COMMITTEE, DUTIES. — 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

5. A city not within a county that establishes a municipal police force shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners created under sections 84.010 to 84.340 that were employed by the board immediately prior to the date the municipal police force was established. Such commissioned personnel who previously were employed by the board may only be involuntarily terminated by the city not within a county for cause. The city shall also recognize all accrued years of service that such commissioned and

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

civilian personnel had with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and sick leave they were entitled to as employees of the board of police commissioners.

6. ~~[(1)]~~ Commissioned and civilian personnel of a municipal police force established under this section ~~[who are hired prior to September 1, 2023,]~~ shall not be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

~~[(2)]~~ Commissioned and civilian personnel of a municipal police force established under this section who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the personnel to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.]

7. The commissioned and civilian personnel who retire from service with the board of police commissioners before the establishment of a municipal police force under subsection 1 of this section shall continue to be entitled to the same pension benefits provided under chapter 86 and the same benefits set forth in subsection 5 of this section.

8. If the city not within a county elects to establish a municipal police force under this section, the city shall establish a separate division for the operation of its municipal police force. The civil service commission of the city may adopt rules and regulations appropriate for the unique operation of a police department. Such rules and regulations shall reserve exclusive authority over the disciplinary process and procedures affecting commissioned officers to the civil service commission; however, until such time as the city adopts such rules and regulations, the commissioned personnel shall continue to be governed by the board of police commissioner's rules and regulations in effect immediately prior to the establishment of the municipal police force, with the police chief acting in place of the board of police commissioners for purposes of applying the rules and regulations. Unless otherwise provided for, existing civil service commission rules and regulations governing the appeal of disciplinary decisions to the civil service commission shall apply to all commissioned and civilian personnel. The civil service commission's rules and regulations shall provide that records prepared for disciplinary purposes shall be confidential, closed records available solely to the civil service commission and those who possess authority to conduct investigations regarding disciplinary matters pursuant to the civil service commission's rules and regulations. A hearing officer shall be appointed by the civil service commission to hear any such appeals that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination, but the civil service commission shall make the final findings of fact, conclusions of law, and decision which shall be subject to any right of appeal under chapter 536.

9. A city not within a county that establishes and maintains a municipal police force under this section:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical, and disability coverage for commissioned and civilian personnel of the municipal police force to the same extent as was provided by the board of police commissioners under section 84.160;

(2) Shall provide or contract for medical and life insurance coverage for any commissioned or civilian personnel who retired from service with the board of police commissioners or who were employed by the board of police commissioners and retire from the municipal police force of a city not within a county to the same extent such medical and life insurance coverage was provided by the board of police commissioners under section 84.160;

(3) Shall make available medical and life insurance coverage for purchase to the spouses or dependents of commissioned and civilian personnel who retire from service with the board of police commissioners or the municipal police force and deceased commissioned and civilian personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living; and

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(4) May pay an additional shift differential compensation to commissioned and civilian personnel for evening and night tours of duty in an amount not to exceed ten percent of the officer's base hourly rate.

10. A city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall establish a transition committee of five members for the purpose of: coordinating and implementing the transition of authority, operations, assets, and obligations from the board of police commissioners to the city; winding down the affairs of the board; making nonbinding recommendations for the transition of the police force from the board to the city; and other related duties, if any, established by executive order of the city's mayor. Once the ordinance referenced in this section is enacted, the city shall provide written notice to the board of police commissioners and the governor of the state of Missouri. Within thirty days of such notice, the mayor shall appoint three members to the committee, two of whom shall be members of a statewide law enforcement association that represents at least five thousand law enforcement officers. The remaining members of the committee shall include the police chief of the municipal police force and a person who currently or previously served as a commissioner on the board of police commissioners, who shall be appointed to the committee by the mayor of such city.

84.480. CHIEF OF POLICE — APPOINTMENT — QUALIFICATIONS — COMPENSATION. —

The board of police commissioners shall appoint a chief of police who shall be the chief police administrative and law enforcement officer of such cities. The chief of police shall be chosen by the board solely on the basis of his or her executive and administrative qualifications and his or her demonstrated knowledge of police science and administration with special reference to his or her actual experience in law enforcement leadership and the provisions of section 84.420. At the time of the appointment, the chief shall [not be more than sixty years of age, shall] have had at least five years' executive experience in a governmental police agency and shall be certified by a surgeon or physician to be in a good physical condition, and shall be a citizen of the United States and shall either be or become a citizen of the state of Missouri and resident of the city in which he or she is appointed as chief of police. In order to secure and retain the highest type of police leadership within the departments of such cities, the chief shall receive a salary of not less than eighty thousand two hundred eleven dollars, nor more than [one hundred eighty-nine thousand seven hundred twenty-six dollars per annum] a maximum salary amount established by the board by resolution.

84.510. POLICE OFFICERS AND OFFICIALS — APPOINTMENT — COMPENSATION. — 1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including police officers and civilian employees as the chief of police from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one thousand nine hundred sixty-nine dollars[, nor more than one hundred forty-six thousand one hundred twenty-four dollars per annum each];

(2) Majors at not less than sixty-four thousand six hundred seventy-one dollars[, nor more than one hundred thirty-three thousand three hundred twenty dollars per annum each];

(3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars[, nor more than one hundred twenty-one thousand six hundred eight dollars per annum each];

(4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars[, nor more than one hundred six thousand five hundred sixty dollars per annum each];

(5) Master patrol officers at not less than fifty-six thousand three hundred four dollars[, nor more than ninety-four thousand three hundred thirty-two dollars per annum each];

(6) Master detectives at not less than fifty-six thousand three hundred four dollars[, nor more than ninety-four thousand three hundred thirty-two dollars per annum each];

(7) Detectives, investigators, and police officers at not less than twenty-six thousand six hundred forty-three dollars[, nor more than eighty-seven thousand six hundred thirty-six dollars per annum each].

3. The board of police commissioners has the authority by resolution to effect a comprehensive pay schedule program to provide for step increases with separate pay rates within each rank, [in] using the above-specified salary minimums as a base for such ranges from police officers through chief of police.

4. Officers assigned to wear civilian clothes in the performance of their regular duties may receive an additional one hundred fifty dollars per month clothing allowance. Uniformed officers may receive seventy-five dollars per month uniform maintenance allowance.

5. The chief of police, subject to the approval of the board, shall establish the total regular working hours for all police department employees, and the board has the power, upon recommendation of the chief, to pay additional compensation for all hours of service rendered in excess of the established regular working period, but the rate of overtime compensation shall not exceed one and one-half times the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given nor deductions made from payments for overtime for the purpose of retirement benefits.

6. The board of police commissioners, by majority affirmative vote, including the mayor, has the authority by resolution to authorize incentive pay in addition to the base compensation as provided for in subsection 2 of this section, to be paid police officers of any rank who they determine are assigned duties which require an extraordinary degree of skill, technical knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

7. The board of police commissioners may effect programs to provide additional compensation for successful completion of academic work at an accredited college or university. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

8. The additional pay increments provided in subsections 6 and 7 of this section shall not be considered a part of the base compensation of police officers of any rank and shall not exceed ten percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of this section.

[9. Not more than twenty-five percent of the officers in any rank who are receiving the maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional pay increments authorized by subsections 6 and 7 of this section at any given time. However, any officer receiving a pay increment provided pursuant to the provisions of subsections 6 and 7 of this section shall not be deprived of such pay increment as a result of the limitations of this subsection.]

94.900. SALES TAX AUTHORIZED (BLUE SPRINGS, CENTRALIA, EXCELSIOR SPRINGS, FAYETTE, HARRISONVILLE, LEBANON, MARSHALL, ODESSA, PORTAGEVILLE, RIVERSIDE, SMITHVILLE, ST. JOSEPH, AND CERTAIN OTHER FOURTH CLASS CITIES) — PROCEEDS TO BE USED FOR PUBLIC SAFETY PURPOSES — BALLOT LANGUAGE — COLLECTION OF TAX, PROCEDURE. — 1. (1) The governing body of the following cities may impose a tax as provided in this section:

(a) Any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants;

(b) Any city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants;

(c) Any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants;

(d) Any home rule city with more than forty-eight thousand but fewer than forty-nine thousand inhabitants;

(e) Any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants;

(f) Any city of the fourth classification with more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants;

(g) Any city of the fourth classification with more than seven thousand but fewer than eight thousand inhabitants;

(h) Any city of the fourth classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants;

(i) Any city of the third classification with more than thirteen thousand but fewer than fifteen thousand inhabitants and located in any county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants;
[or]

(j) Any city of the fourth classification with more than three thousand but fewer than three thousand three hundred inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and that is not the county seat of such county;

(k) Any city with more than ten thousand but fewer than eleven thousand inhabitants and partially located in a county with more than two hundred thirty thousand but fewer than two hundred sixty thousand inhabitants;

(l) Any city with more than four thousand nine hundred but fewer than five thousand six hundred inhabitants and located in a county with more than thirty thousand but fewer than thirty-five thousand inhabitants; or

(m) Any city with more than twelve thousand five hundred but fewer than fourteen thousand inhabitants and that is the county seat of a county with more than twenty-two thousand but fewer than twenty-five thousand inhabitants.

(2) The governing body of any city listed in subdivision (1) of this subsection is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525 for the purpose of improving the public safety for such city, [including but not] which shall be limited to expenditures on equipment, [city employee] salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of _____ (city's name) impose a citywide sales tax of _____ (insert amount) for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto

shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

8. If any city in subsection 1 of this section enacts the tax authorized in this section, the city shall budget an amount to public safety that is no less than the amount budgeted in the year immediately preceding the enactment of the tax. The revenue from the tax shall supplement and not replace amounts budgeted by the city.

94.902. SALES TAX AUTHORIZED FOR CERTAIN CITIES (BRANSON WEST, CLINTON, COLE CAMP, FAYETTE, GLADSTONE, GRANDVIEW, LIBERTY, NORTH KANSAS CITY, RAYTOWN, RIVERSIDE, AND CERTAIN OTHER FOURTH CLASS CITIES) — BALLOT, EFFECTIVE DATE — ADMINISTRATION AND COLLECTION — REFUNDS, USE OF FUNDS UPON ESTABLISHMENT OF TAX — REPEAL — AUTOMATIC EXPIRATION DATE, WHEN. — 1. The governing bodies of the following cities may impose a tax as provided in this section:

- (1) Any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants;
- (2) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants;
- (3) Any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants;
- (4) Any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants;
- (5) Any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants;
- (6) Any city of the fourth classification with more than nine thousand five hundred but fewer than ten thousand eight hundred inhabitants;
- (7) Any city of the fourth classification with more than five hundred eighty but fewer than six hundred fifty inhabitants;
- (8) Any city of the fourth classification with more than two thousand seven hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants; **[or]**
- (9) Any city of the fourth classification with more than two thousand four hundred but fewer than two thousand seven hundred inhabitants and located in any county of the third classification without a township form of government and with more than ten thousand but fewer than twelve thousand inhabitants;
- (10) Any city with more than one thousand sixty but fewer than one thousand one hundred seventy inhabitants and located in a county with more than nineteen thousand but fewer than twenty-two thousand inhabitants and with a county seat with more than one thousand but fewer than two thousand two hundred twenty inhabitants;
- (11) Any city with more than four hundred eighty but fewer than five hundred forty inhabitants and located in a county with more than thirty thousand but fewer than thirty-five thousand inhabitants and with a county seat with more than two hundred but fewer than nine hundred inhabitants; or
- (12) Any city with more than nine thousand but fewer than ten thousand inhabitants and that is the county seat of a county with more than nineteen thousand but fewer than twenty-two thousand inhabitants.

2. The governing body of any city listed in subsection 1 of this section may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-half of one percent~~], and].~~ The tax shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment~~[],~~ city employee salaries and benefits~~[],~~ and facilities for police, fire and emergency medical providers. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall the city of _____ (city's name) impose a citywide sales tax at a rate of _____ (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

4. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall _____ (insert the name of the city) repeal the sales tax imposed at a rate of _____ (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. Any sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section that is in effect as of December 31, 2038, shall automatically expire. No city described under subdivision (6) of subsection 1 of this section shall collect a sales tax pursuant to this section on or after January 1, 2039. Subsection 7 of this section shall not apply to a sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section.

9. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

170.310. CARDIOPULMONARY RESUSCITATION INSTRUCTION AND TRAINING, GRADES NINE THROUGH TWELVE, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. For school year 2017-18 and each school year thereafter, upon graduation from high school, pupils in public schools and charter schools shall have received thirty minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking given any time during a pupil's four years of high school.

2. Beginning in school year 2017-18, any public school or charter school serving grades nine through twelve shall provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Instruction shall be included in the district's existing health or physical education curriculum. Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.

3. The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing. For purposes of this subsection, "first responders" shall include telecommunicator first responders as defined in section 650.320.

4. The department of elementary and secondary education may promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

190.091. VACCINATION PROGRAM FOR FIRST RESPONDERS AND TELECOMMUNICATORS OFFERED — DEFINITIONS — PARTICIPATION VOLUNTARY, EXCEPTION — CONTINGENT EFFECTIVE DATE. — 1. As used in this section, the following terms mean:

(1) "Bioterrorism", the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance, or biological product to cause death, disease, or other biological malfunction in a human, an animal, a plant, or any other living organism to influence the conduct of government or to intimidate or coerce a civilian population;

(2) "Department", the Missouri department of health and senior services;

(3) "Director", the director of the department of health and senior services;

(4) "Disaster locations", any geographical location where a bioterrorism attack, terrorist attack, catastrophic or natural disaster, or emergency occurs;

(5) "First responders", state and local law enforcement personnel, telecommunicator first responders, fire department personnel, and emergency medical personnel who will be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and emergencies;

(6) "Missouri state highway patrol telecommunicator", any authorized Missouri state highway patrol communications division personnel whose primary responsibility includes directly responding to emergency communications and who meet the training requirements pursuant to section 650.340.

2. The department shall offer a vaccination program for first responders and Missouri state highway patrol telecommunicators who may be exposed to infectious diseases when deployed to disaster locations as a result of a bioterrorism event or a suspected bioterrorism event. The vaccinations shall include, but are not limited to, smallpox, anthrax, and other vaccinations when recommended by the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices.

3. Participation in the vaccination program shall be voluntary by the first responders and Missouri state highway patrol telecommunicators, except for first responders or Missouri state highway patrol telecommunicators who, as determined by their employer, cannot safely perform emergency responsibilities when responding to a bioterrorism event or suspected bioterrorism event without being vaccinated. The recommendations of the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices shall be followed when providing appropriate screening for contraindications to vaccination for first responders and Missouri state highway patrol telecommunicators. A first responder and Missouri state highway patrol telecommunicator shall be exempt from vaccinations when a written statement from a licensed physician is presented to their employer indicating that a vaccine is medically contraindicated for such person.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

4. If a shortage of the vaccines referred to in subsection 2 of this section exists following a bioterrorism event or suspected bioterrorism event, the director, in consultation with the governor and the federal Centers for Disease Control and Prevention, shall give priority for such vaccinations to persons exposed to the disease and to first responders or Missouri state highway patrol telecommunicators who are deployed to the disaster location.

5. The department shall notify first responders and Missouri state highway patrol telecommunicators concerning the availability of the vaccination program described in subsection 2 of this section and shall provide education to such first responders, ~~and~~ their employers, and Missouri state highway patrol telecommunicators concerning the vaccinations offered and the associated diseases.

6. The department may contract for the administration of the vaccination program described in subsection 2 of this section with health care providers, including but not limited to local public health agencies, hospitals, federally qualified health centers, and physicians.

7. The provisions of this section shall become effective upon receipt of federal funding or federal grants which designate that the funding is required to implement vaccinations for first responders and Missouri state highway patrol telecommunicators in accordance with the recommendations of the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. Upon receipt of such funding, the department shall make available the vaccines to first responders and Missouri state highway patrol telecommunicators as provided in this section.

190.100. DEFINITIONS. — As used in sections 190.001 to 190.245 and section 190.257, the following words and terms mean:

(1) "Advanced emergency medical technician" or "AEMT", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

(2) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(3) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(4) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(5) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;

(6) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(7) "Council", the state advisory council on emergency medical services;

(8) "Department", the department of health and senior services, state of Missouri;

(9) "Director", the director of the department of health and senior services or the director's duly authorized representative;

(10) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(11) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(12) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course[, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245] and any ongoing training requirements under section 650.340;

(13) "Emergency medical responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the U.S. Department of Transportation and any modifications to such curricula specified by the department through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(14) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(15) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(16) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(17) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(18) ["Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(19)] "Emergency medical technician-community paramedic", "community paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is certified by the department in accordance with standards prescribed in section 190.098;

[(20) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(21)] (19) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are

provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

[(22)] (20) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

[(23)] (21) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

[(24)] (22) "Medical control", supervision provided by or under the direction of physicians, or their designated registered nurse, including both online medical control, instructions by radio, telephone, or other means of direct communications, and offline medical control through supervision by treatment protocols, case review, training, and standing orders for treatment;

[(25)] (23) "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

[(26)] (24) "Medical director", a physician licensed pursuant to chapter 334 designated by the ambulance service, dispatch agency, or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

[(27)] (25) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(26) "Paramedic", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

[(28)] (27) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

[(29)] (28) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

[(30)] (29) "Physician", a person licensed as a physician pursuant to chapter 334;

[(31)] (30) "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

[(32)] (31) "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, [EMT-B's] EMTs, nurses, [EMT-P's] paramedics, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

[(33)] (32) "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

[(34)] (33) "Protocol", a predetermined, written medical care guideline, which may include standing orders;

[(35)] (34) "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

[(36)] (35) "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

[(37)] (36) "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

[(38)] (37) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

[(39)] (38) "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

[(40)] (39) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis, and as further defined in rules promulgated by the department under sections 190.001 to 190.250;

[(41)] (40) "STEMI care", includes education and prevention, emergency transport, triage, and acute care and rehabilitative services for STEMI that requires immediate medical or surgical intervention or treatment;

[(42)] (41) "STEMI center", a hospital that is currently designated as such by the department to care for patients with ST-segment elevation myocardial infarctions;

[(43)] (42) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the department;

[(44)] (43) "Stroke care", includes emergency transport, triage, and acute intervention and other acute care services for stroke that potentially require immediate medical or surgical intervention or treatment, and may include education, primary prevention, acute intervention, acute and subacute management, prevention of complications, secondary stroke prevention, and rehabilitative services;

[(45)] (44) "Stroke center", a hospital that is currently designated as such by the department;

[(46)] (45) "Time-critical diagnosis", trauma care, stroke care, and STEMI care occurring either outside of a hospital or in a center designated under section 190.241;

[(47)] (46) "Time-critical diagnosis advisory committee", a committee formed under section 190.257 to advise the department on policies impacting trauma, stroke, and STEMI center designations; regulations on trauma care, stroke care, and STEMI care; and the transport of trauma, stroke, and STEMI patients;

[(48)] (47) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

[(49)] (48) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

[(50)] (49) "Trauma center", a hospital that is currently designated as such by the department.

190.103. REGIONAL EMS MEDICAL DIRECTOR, POWERS, DUTIES — CONSIDERED PUBLIC OFFICIAL, WHEN — ONLINE TELECOMMUNICATION MEDICAL DIRECTION PERMITTED — TREATMENT PROTOCOLS FOR SPECIAL NEEDS PATIENTS. —

1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors shall be elected to an initial four-year term. All subsequent terms following the initial terms shall be four years. The state EMS medical director shall be the chair of the state EMS medical director's advisory committee, and shall be elected by the members of the regional EMS medical director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the health care system serving Missouri.

2. A medical director is required for all ambulance services and emergency medical response agencies that provide: advanced life support services; basic life support services utilizing medications or providing assistance with patients' medications; or basic life support services performing invasive procedures including invasive airway procedures. The medical director shall provide medical direction to these services and agencies in these instances.

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure that the personnel working under their supervision are able to provide care meeting established standards of care with consideration for state and national standards as well as local area needs and resources. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall establish and develop triage, treatment and transport protocols, which may include authorization for standing orders. Emergency medical technicians shall only perform those medical procedures as directed by treatment protocols approved by the local medical director or when authorized through direct communication with online medical control.

4. All ambulance services and emergency medical response agencies that are required to have a medical director shall establish an agreement between the service or agency and their medical director. The agreement will include the roles, responsibilities and authority of the medical director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall also include grievance procedures regarding the emergency medical response agency or ambulance service, personnel and the medical director.

5. Regional EMS medical directors and the state EMS medical director elected as provided under subsection 1 of this section shall be considered public officials for purposes of sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

6. The state EMS medical director's advisory committee shall be considered a peer review committee under section 537.035.

7. Regional EMS medical directors may act to provide online telecommunication medical direction to AEMTs, [EMT-Bs, EMT-Ps] EMTs, paramedics, and community paramedics and provide offline medical direction per standardized treatment, triage, and transport protocols when EMS personnel, including AEMTs, [EMT-Bs, EMT-Ps] EMTs, paramedics, and community paramedics, are providing care to special needs patients or at the request of a local EMS agency or medical director.

8. When developing treatment protocols for special needs patients, regional EMS medical directors may promulgate such protocols on a regional basis across multiple political subdivisions' jurisdictional

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Matter underscored is proposed language.

boundaries, and such protocols may be used by multiple agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments. Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending arrival of the special needs patient, the condition of the patient, and the treatment instituted.

9. Multiple EMS agencies including, but not limited to, ambulance services, emergency response agencies, and public health departments shall take necessary steps to follow the regional EMS protocols established as provided under subsection 8 of this section in cases of mass casualty or state-declared disaster incidents.

10. When regional EMS medical directors develop and implement treatment protocols for patients or provide online medical direction for patients, such activity shall not be construed as having usurped local medical direction authority in any manner.

11. The state EMS medical directors advisory committee shall review and make recommendations regarding all proposed community and regional time-critical diagnosis plans.

12. Notwithstanding any other provision of law to the contrary, when regional EMS medical directors are providing either online telecommunication medical direction to AEMTs, [EMT-Bs, EMT-Ps] EMTs, paramedics, and community paramedics, or offline medical direction per standardized EMS treatment, triage, and transport protocols for patients, those medical directions or treatment protocols may include the administration of the patient's own prescription medications.

190.142. EMERGENCY MEDICAL TECHNICIAN LICENSE, REQUIREMENTS — RULES. — 1.

(1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license.

(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, in recognition of the EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Emergency medical technician and paramedic education and training requirements based on respective National Emergency Medical Services Education Standards and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Paramedic accreditation requirements. Paramedic training programs shall be accredited [by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter of review] as required by the National Registry of Emergency Medical Technicians;

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Matter underscored is proposed language.

(4) Initial licensure testing requirements. Initial [EMT-P] paramedic licensure testing shall be through the national registry of EMTs;

(5) Continuing education and relicensure requirements; and

(6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

190.147. BEHAVIORAL HEALTH PATIENTS — TEMPORARY HOLD, WHEN —
MEMORANDUM OF UNDERSTANDING, CONTENTS — PHYSICAL RESTRAINTS, USE OF. — 1. [An emergency medical technician paramedic (EMT-P)] A paramedic may make a good faith determination that such behavioral health patients who present a likelihood of serious harm to themselves or others, as the term "likelihood of serious harm" is defined under section 632.005, or who are significantly incapacitated by alcohol or drugs shall be placed into a temporary hold for the sole purpose of transport to the nearest appropriate facility; provided that, such determination shall be made in cooperation with at least one other [EMT-P] paramedic or other health care professional involved in the transport. Once in a temporary hold, the patient shall be treated with humane care in a manner that preserves human dignity, consistent with applicable federal regulations and nationally recognized guidelines regarding the appropriate use of temporary holds and restraints in medical transport. Prior to making such a determination:

(1) The [EMT-P] paramedic shall have completed a standard crisis intervention training course as endorsed and developed by the state EMS medical director's advisory committee;

(2) The [EMT-P] paramedic shall have been authorized by his or her ground or air ambulance service's administration and medical director under subsection 3 of section 190.103; and

(3) The [EMT-P's] paramedic ground or air ambulance service has developed and adopted standardized triage, treatment, and transport protocols under subsection 3 of section 190.103, which address the challenge of treating and transporting such patients. Provided:

(a) That such protocols shall be reviewed and approved by the state EMS medical director's advisory committee; and

(b) That such protocols shall direct the [EMT-P] paramedic regarding the proper use of patient restraint and coordination with area law enforcement; and

(c) Patient restraint protocols shall be based upon current applicable national guidelines.

2. In any instance in which a good faith determination for a temporary hold of a patient has been made, such hold shall be made in a clinically appropriate and adequately justified manner, and shall be

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documented and attested to in writing. The writing shall be retained by the ambulance service and included as part of the patient's medical file.

3. [EMT-Ps] Paramedics who have made a good faith decision for a temporary hold of a patient as authorized by this section shall no longer have to rely on the common law doctrine of implied consent and therefore shall not be civilly liable for a good faith determination made in accordance with this section and shall not have waived any sovereign immunity defense, official immunity defense, or Missouri public duty doctrine defense if employed at the time of the good faith determination by a government employer.

4. Any ground or air ambulance service that adopts the authority and protocols provided for by this section shall have a memorandum of understanding with applicable local law enforcement agencies in order to achieve a collaborative and coordinated response to patients displaying symptoms of either a likelihood of serious harm to themselves or others or significant incapacitation by alcohol or drugs, which require a crisis intervention response. The memorandum of understanding shall include, but not be limited to, the following:

- (1) Administrative oversight, including coordination between ambulance services and law enforcement agencies;
- (2) Patient restraint techniques and coordination of agency responses to situations in which patient restraint may be required;
- (3) Field interaction between paramedics and law enforcement, including patient destination and transportation; and
- (4) Coordination of program quality assurance.

5. The physical restraint of a patient by an emergency medical technician under the authority of this section shall be permitted only in order to provide for the safety of bystanders, the patient, or emergency personnel due to an imminent or immediate danger, or upon approval by local medical control through direct communications. Restraint shall also be permitted through cooperation with on-scene law enforcement officers. All incidents involving patient restraint used under the authority of this section shall be reviewed by the ambulance service physician medical director.

190.255. OPIOID OVERDOSE DRUGS AND DEVICES, FIRST RESPONDER MAY ADMINISTER, WHEN — DEFINITION. — 1. Any qualified first responder may obtain and administer naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to a person suffering from an apparent narcotic or opiate-related overdose in order to revive the person.

2. Any licensed drug distributor or pharmacy in Missouri may sell naloxone, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose and is administered in a manner approved by the United States Food and Drug Administration to qualified first responder agencies to allow the agency to stock naloxone for the administration of such drug to persons suffering from an apparent narcotic or opiate overdose in order to revive the person.

3. For the purposes of this section, "qualified first responder" shall mean any [state and local law enforcement agency staff], fire department personnel, fire district personnel, or licensed emergency medical technician who is acting under the directives and established protocols of a medical director of a local licensed ground ambulance service licensed under section 190.109, or any state or local law enforcement agency staff member, who comes in contact with a person suffering from an apparent narcotic or opiate-related overdose and who has received training in recognizing and responding to a narcotic or opiate overdose and the administration of naloxone to a person suffering from an apparent narcotic or opiate-related overdose. "Qualified first responder agencies" shall mean any state or local law enforcement agency, fire department, or ambulance service that provides documented training to its staff related to the administration of naloxone in an apparent narcotic or opiate overdose situation.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter underscored is proposed language.

4. A qualified first responder shall only administer naloxone by such means as the qualified first responder has received training for the administration of naloxone.

190.327. BOARD APPOINTED, WHEN — BOARD ELECTED, WHEN — DUTIES — COMMISSION TO RELINQUISH DUTIES TO BOARD — QUALIFICATIONS — BOARD, POWERS AND DUTIES — BOARD APPOINTED FOR OTHER POLITICAL SUBDIVISIONS CONTRACTING FOR SERVICE — MEMBERS. — 1. Immediately upon the decision by the commission to utilize a portion of the emergency telephone tax for central dispatching and an affirmative vote of the telephone tax, the commission shall appoint the initial members of a board which shall administer the funds and oversee the provision of central dispatching for emergency services in the county and in municipalities and other political subdivisions which have contracted for such service. Beginning with the general election in 1992, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency telephone service and in chapter 321, with regard to the provision of central dispatching service, and such duties shall be exercised by the board.

2. Elections for board members may be held on general municipal election day, as defined in subsection 3 of section 115.121, after approval by a simple majority of the county commission.

3. For the purpose of providing the services described in this section, the board shall have the following powers, authority and privileges:

- (1) To have and use a corporate seal;
- (2) To sue and be sued, and be a party to suits, actions and proceedings;
- (3) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the board;
- (4) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, including leases and easements;
- (5) To have the management, control and supervision of all the business affairs of the board and the construction, installation, operation and maintenance of any improvements;
- (6) To hire and retain agents and employees and to provide for their compensation including health and pension benefits;
- (7) To adopt and amend bylaws and any other rules and regulations;
- (8) To fix, charge and collect the taxes and fees authorized by law for the purpose of implementing and operating the services described in this section;
- (9) To pay all expenses connected with the first election and all subsequent elections; and
- (10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this subsection. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections 190.300 to 190.329.

4. (1) Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, the county commission may elect to appoint the members of the board to administer the funds and oversee the provision of central dispatching for emergency services in the counties, municipalities, and other political subdivisions which have contracted for such service upon the request of the municipalities and other political subdivisions. Upon appointment of the initial members of the board, the commission shall relinquish all powers and duties to the board and no longer exercise the duties prescribed in this chapter with regard to the provision of central dispatching service and such duties shall be exercised by the board.

(2) The board shall consist of seven members appointed without regard to political affiliation. The members shall include:

(a) Five members who shall serve for so long as they remain in their respective county or municipal positions as follows:

- a. The county sheriff, or his or her designee;
- b. The heads of the municipal police department who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees; or
- c. The heads of the municipal fire departments or fire divisions who have contracted for central dispatching service in the two largest municipalities wholly contained within the county, or their designees;

(b) Two members who shall serve two-year terms appointed from among the following:

- a. The head of any of the county's fire protection districts who have contracted for central dispatching service, or his or her designee;
- b. The head of any of the county's ambulance districts who have contracted for central dispatching service, or his or her designee;
- c. The head of any of the municipal police departments located in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph b. of paragraph (a) of this subdivision; and
- d. The head of any of the municipal fire departments in the county who have contracted for central dispatching service, or his or her designee, excluding those mentioned in subparagraph c. of paragraph (a) of this subdivision.

(3) Upon the appointment of the board under this subsection, the board shall have the powers provided in subsection 3 of this section and the commission shall relinquish all powers and duties relating to the provision of central dispatching service under this chapter to the board.

[5. An emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants shall not have a sales tax for emergency services or for providing central dispatching for emergency services greater than one-quarter of one percent. If on July 9, 2019, such tax is greater than one-quarter of one percent, the board shall lower the tax rate.]

190.460. PREPAID WIRELESS EMERGENCY TELEPHONE SERVICE CHARGE — DEFINITIONS — AMOUNT, HOW COLLECTED — DEPOSIT AND USE OF MONEYS — RATES, HOW SET — EFFECTIVE DATE. — 1. As used in this section, the following terms mean:

- (1) "Board", the Missouri 911 service board established under section 650.325;
- (2) "Consumer", a person who purchases prepaid wireless telecommunications service in a retail transaction;
- (3) "Department", the department of revenue;
- (4) "Prepaid wireless service provider", a provider that provides prepaid wireless service to an end user;
- (5) "Prepaid wireless telecommunications service", a wireless telecommunications service that allows a caller to dial 911 to access the 911 system and which service shall be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount;
- (6) "Retail transaction", the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale. The purchase of more than one item that provides prepaid wireless telecommunication service, when such items are sold separately, constitutes more than one retail transaction;
- (7) "Seller", a person who sells prepaid wireless telecommunications service to another person;
- (8) "Wireless telecommunications service", commercial mobile radio service as defined by 47 CFR 20.3, as amended.

2. (1) Beginning January 1, 2019, there is hereby imposed a prepaid wireless emergency telephone service charge on each retail transaction. The amount of such charge shall be equal to three percent of

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the amount of each retail transaction. The first fifteen dollars of each retail transaction shall not be subject to the service charge.

(2) When prepaid wireless telecommunications service is sold with one or more products or services for a single, nonitemized price, the prepaid wireless emergency telephone service charge set forth in subdivision (1) of this subsection shall apply to the entire nonitemized price unless the seller elects to apply such service charge in the following way:

(a) If the amount of the prepaid wireless telecommunications service is disclosed to the consumer as a dollar amount, three percent of such dollar amount; or

(b) If the seller can identify the portion of the price that is attributable to the prepaid wireless telecommunications service by reasonable and verifiable standards from the seller's books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes, three percent of such portion;

The first fifteen dollars of each transaction under this subdivision shall not be subject to the service charge.

(3) The prepaid wireless emergency telephone service charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless emergency telephone service charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller or otherwise disclosed to the consumer.

(4) For purposes of this subsection, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring under chapter 144.

(5) The prepaid wireless emergency telephone service charge is the liability of the consumer and not of the seller or of any provider; except that, the seller shall be liable to remit all charges that the seller collects or is deemed to collect.

(6) The amount of the prepaid wireless emergency telephone service charge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

3. (1) Prepaid wireless emergency telephone service charges collected by sellers shall be remitted to the department at the times and in the manner provided by state law with respect to sales and use taxes. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply under state law. On or after the effective date of the service charge imposed under the provisions of this section, the director of the department of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the service charge, and the director shall collect, in addition to the sales tax for the state of Missouri, all additional service charges imposed in this section. All service charges imposed under this section together with all taxes imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director. All applicable provisions contained in sections 144.010 to 144.525 governing the state sales tax and section 32.057 shall apply to the collection of any service charges imposed under this section except as modified.

(2) Beginning on January 1, 2019, and ending on January 31, 2019, when a consumer purchases prepaid wireless telecommunications service in a retail transaction from a seller under this section, the seller shall be allowed to retain one hundred percent of the prepaid wireless emergency telephone service charges that are collected by the seller from the consumer. Beginning on February 1, 2019, a

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seller shall be permitted to deduct and retain three percent of prepaid wireless emergency telephone service charges that are collected by the seller from consumers.

(3) The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use purposes under state law.

(4) The department shall deposit all remitted prepaid wireless emergency telephone service charges into the general revenue fund for the department's use until eight hundred thousand one hundred fifty dollars is collected to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges. From then onward, the department shall deposit all remitted prepaid wireless emergency telephone service charges into the Missouri 911 service trust fund created under section 190.420 within thirty days of receipt for use by the board. After the initial eight hundred thousand one hundred fifty dollars is collected, the department may deduct an amount not to exceed one percent of collected charges to be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless emergency telephone service charges.

(5) The board shall set a rate between twenty-five and one hundred percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties without a charter form of government, less the deductions authorized in subdivision (4) of this subsection, that shall be remitted to such counties in direct proportion to the amount of charges collected in each county. The board shall set a rate between sixty-five and one hundred percent of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund collected in counties with a charter form of government and any city not within a county, less the deductions authorized in subdivision (4) of this subsection, that shall be remitted to each such county or city not within a county in direct proportion to the amount of charges collected in each such county or city not within a county. If a county has an elected emergency services board, the Missouri 911 service board shall remit the funds to the elected emergency services board, except for an emergency services board originally organized under section 190.325 operating within a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants, in which case the funds shall be remitted to the county's general fund for the purpose of public safety infrastructure. The initial percentage rate set by the board for counties with and without a charter form of government and any city not within a county shall be set by June thirtieth of each applicable year and may be adjusted annually for the first three years, and thereafter the rate may be adjusted every three years; however, at no point shall the board set rates that fall below twenty-five percent for counties without a charter form of government and sixty-five percent for counties with a charter form of government and any city not within a county.

(6) Any amounts received by a county or city under subdivision (5) of this subsection shall be used only for purposes authorized in sections 190.305, 190.325, and 190.335. Any amounts received by any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants under this section may be used for emergency service notification systems.

4. (1) A seller that is not a provider shall be entitled to the immunity and liability protections under section 190.455, notwithstanding any requirement in state law regarding compliance with Federal Communications Commission Order 05-116.

(2) A provider shall be entitled to the immunity and liability protections under section 190.455.

(3) In addition to the protection from liability provided in subdivisions (1) and (2) of this subsection, each provider and seller and its officers, employees, assigns, agents, vendors, or anyone acting on behalf of such persons shall be entitled to the further protection from liability, if any, that is provided to providers and sellers of wireless telecommunications service that is not prepaid wireless telecommunications service under section 190.455.

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5. The prepaid wireless emergency telephone service charge imposed by this section shall be in addition to any other tax, fee, surcharge, or other charge imposed by this state, any political subdivision of this state, or any intergovernmental agency for 911 funding purposes.

6. The provisions of this section shall become effective unless the governing body of a county or city adopts an ordinance, order, rule, resolution, or regulation by at least a two-thirds vote prohibiting the charge established under this section from becoming effective in the county or city at least forty-five days prior to the effective date of this section. If the governing body does adopt such ordinance, order, rule, resolution, or regulation by at least a two-thirds vote, the charge shall not be collected and the county or city shall not be allowed to obtain funds from the Missouri 911 service trust fund that are remitted to the fund under the charge established under this section. The Missouri 911 service board shall, by September 1, 2018, notify all counties and cities of the implementation of the charge established under this section, and the procedures set forth under this subsection for prohibiting the charge from becoming effective.

7. Any county or city which prohibited the prepaid wireless emergency telephone service charge pursuant to the provisions of subsection 6 of this section may take a vote of the governing body, and notify the department of revenue of the result of such vote, by November 15, 2019, to impose such charge [effective January 1, 2020]. A vote of at least two-thirds of the governing body is required in order to impose such charge. The department shall notify the board of notices received by [December 1, 2019] within sixty days of receiving such notice.

190.1010. PEER SUPPORT COUNSELING, CONFIDENTIALITY, EXCEPTIONS — REQUIREMENTS. — 1. As used in this section, the following terms shall mean:

- (1) "Employee", a first responder employed by an employer;
- (2) "Employer", the state, a unit of local government, or a public hospital or ambulance service that employs first responders;
- (3) "First responder", a 911 dispatcher, paramedic, emergency medical technician, or a volunteer or full-time paid firefighter;
- (4) "Peer support advisor", a person approved by the employer who voluntarily provides confidential support and assistance to employees experiencing personal or professional problems. An employer shall provide peer support advisors with an appropriate level of training in counseling to provide emotional and moral support;
- (5) "Peer support counseling program", a program established by an employer to train employees to serve as peer support advisors in order to conduct peer support counseling sessions;
- (6) "Peer support counseling session", communication with a peer support advisor designated by an employer. A peer support counseling session is accomplished primarily through listening, assessing, assisting with problem solving, making referrals to a professional when necessary, and conducting follow-up as needed;
- (7) "Record", any record kept by a therapist or by an agency in the course of providing behavioral health care to a first responder concerning the first responder and the services provided. "Record" includes the personal notes of the therapist or agency, as well as all records maintained by a court that have been created in connection with, in preparation for, or as a result of the filing of any petition. "Record" does not include information that has been de-identified in accordance with the federal Health Insurance Portability and Accountability Act (HIPAA) and does not include a reference to the receipt of behavioral health care noted during a patient history and physical or other summary of care.

2. (1) Any communication made by an employee or peer support advisor in a peer support counseling session, as well as any oral or written information conveyed in the peer support counseling session, shall be confidential and shall not be disclosed by any person participating in the peer support counseling session or released to any person or entity. Any communication relating to a peer support counseling session made confidential under this section that is made between peer support advisors and

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the supervisors or staff of a peer support counseling program, or between the supervisor and staff of a peer support counseling program, shall be confidential and shall not be disclosed. The provisions of this section shall not be construed to prohibit any communications between counselors who conduct peer support counseling sessions or any communications between counselors and the supervisors or staff of a peer support counseling program.

(2) Any communication described in subdivision (1) of this subsection may be subject to a subpoena for good cause shown.

(3) The provisions of this subsection shall not apply to the following:

(a) Any threat of suicide or homicide made by a participant in a peer support counseling session or any information conveyed in a peer support counseling session related to a threat of suicide or homicide;

(b) Any information mandated by law or agency policy to be reported, including, but not limited to, domestic violence, child abuse or neglect, or elder abuse or neglect;

(c) Any admission of criminal conduct; or

(d) Any admission or act of refusal to perform duties to protect others or the employee.

(4) All communications, notes, records, and reports arising out of a peer support counseling session shall not be considered public records subject to disclosure under chapter 610.

(5) A department or organization that establishes a peer support counseling program shall develop a policy or rule that imposes disciplinary measures against a peer support advisor who violates the confidentiality of the peer support counseling program by sharing information learned in a peer support counseling session with personnel who are not supervisors or staff of the peer support counseling program unless otherwise exempted under the provisions of this subsection.

3. Any employer that creates a peer support counseling program shall be subject to the provisions of this section. An employer shall ensure that peer support advisors receive appropriate training in counseling to conduct peer support counseling sessions. An employer may refer any person to a peer support advisor within the employer's organization or, if those services are not available with the employer, to another peer support counseling program that is available and approved by the employer. Notwithstanding any other provision of law to the contrary, an employer shall not mandate that any employee participate in a peer support counseling program.

192.2405. MANDATORY REPORTERS--PENALTY FOR FAILURE TO REPORT. — 1. The following persons shall be required to immediately report or cause a report to be made to the department under sections 192.2400 to 192.2470:

(1) Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm, or bullying as defined in subdivision (2) of section 192.2400, and is in need of protective services; and

(2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments of social services, mental health, or health and senior services, employee of a local area agency on aging or an organized area agency on aging program, emergency medical technician, firefighter, first responder, funeral director, home health agency, home health agency employee, hospital and clinic personnel engaged in the care or treatment of others, in-home services owner or provider, in-home services operator or employee, law enforcement officer, long-term care facility administrator or employee, medical examiner, medical resident or intern, mental health professional, minister, nurse, nurse practitioner, optometrist, other health practitioner, peace officer, pharmacist, physical therapist, physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social worker, or other person with the responsibility for the care of an eligible adult who has reasonable cause to suspect that the eligible adult has been subjected to abuse or neglect or observes the eligible adult being subjected to conditions or circumstances which would reasonably result in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while functioning in his or her ministerial capacity

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shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

2. Any other person who becomes aware of circumstances that may reasonably be expected to be the result of, or result in, abuse or neglect of an eligible adult may report to the department.

3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this section is provided under section 565.188.

4. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, or emergency medical technicians[, or emergency medical technician-paramedics].

195.206. OPIOID ANTAGONIST OR ADDICTION MITIGATION MEDICINE, SALE AND DISPENSING OF BY PHARMACISTS, POSSESSION OF — ADMINISTRATION OF, CONTACTING EMERGENCY PERSONNEL — IMMUNITY FROM LIABILITY, WHEN. — 1. As used in this section, the following terms shall mean:

(1) "Addiction mitigation medication", naltrexone hydrochloride that is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(2) "Opioid antagonist", naloxone hydrochloride, or any other drug or device approved by the United States Food and Drug Administration, that blocks the effects of an opioid overdose ~~[that]~~ and is administered in a manner approved by the United States Food and Drug Administration or any accepted medical practice method of administering;

(3) "Opioid-related drug overdose", a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid or other substance with which an opioid was combined or a condition that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

2. Notwithstanding any other law or regulation to the contrary:

(1) The director of the department of health and senior services, if a licensed physician, may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication;

(2) In the alternative, the department may employ or contract with a licensed physician who may issue a statewide standing order for an opioid antagonist or an addiction mitigation medication with the express written consent of the department director.

3. Notwithstanding any other law or regulation to the contrary, any licensed pharmacist in Missouri may sell and dispense an opioid antagonist or an addiction mitigation medication under physician protocol or under a statewide standing order issued under subsection 2 of this section.

4. A licensed pharmacist who, acting in good faith and with reasonable care, sells or dispenses an opioid antagonist or an addiction mitigation medication and an appropriate device to administer the drug, and the protocol physician, shall not be subject to any criminal or civil liability or any professional disciplinary action for prescribing or dispensing the opioid antagonist or an addiction mitigation medication or any outcome resulting from the administration of the opioid antagonist or an addiction mitigation medication. A physician issuing a statewide standing order under subsection 2 of this section shall not be subject to any criminal or civil liability or any professional disciplinary action for issuing the standing order or for any outcome related to the order or the administration of the opioid antagonist or an addiction mitigation medication.

5. Notwithstanding any other law or regulation to the contrary, it shall be permissible for any person to possess an opioid antagonist or an addiction mitigation medication.

6. Any person who administers an opioid antagonist to another person shall, immediately after administering the drug, contact emergency personnel. Any person who, acting in good faith and with reasonable care, administers an opioid antagonist to another person whom the person believes to be

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suffering an opioid-related drug overdose shall be immune from criminal prosecution, disciplinary actions from his or her professional licensing board, and civil liability due to the administration of the opioid antagonist.

195.817. FINGERPRINTING REQUIREMENTS, MARIJUANA FACILITIES — DEFINITIONS. —

1. The department of health and senior services shall require all employees, contractors, owners, and volunteers of marijuana facilities to submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check.

2. The department may require that such fingerprint submissions be made as part of a marijuana facility application, a marijuana facility renewal application, and an individual's application for a license or permit authorizing that individual to be an employee, contractor, owner, or volunteer of a marijuana facility.

3. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records related to any criminal history information discovered shall be accessible and available to the department.

4. As used in this section, the following terms shall mean:

(1) "Contractor", a person performing work or service of any kind for a marijuana facility for more than fourteen days in a calendar year in accordance with a contract with that facility;

(2) "Marijuana facility", an entity licensed or certified by the department of health and senior services to cultivate, manufacture, test, transport, dispense, or conduct research on marijuana or marijuana products;

(3) "Owner", an individual who has a financial interest or voting interest in ten percent or greater of a marijuana facility.

208.1032. INTERGOVERNMENTAL TRANSFER PROGRAM — INCREASED REIMBURSEMENT FOR SERVICES, WHEN — PARTICIPATION REQUIREMENTS. —

1. The department of social services shall be authorized to design and implement in consultation and coordination with eligible providers as described in subsection 2 of this section an intergovernmental transfer program relating to ground emergency medical transport services, including those services provided at the emergency medical responder, emergency medical technician (EMT), advanced EMT, [EMT intermediate,] or paramedic levels in the prestabilization and preparation for transport, in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers.

2. A provider shall be eligible for increased reimbursement under this section only if the provider meets the following conditions in an applicable state fiscal year:

(1) Provides ground emergency medical transportation services to MO HealthNet participants;

(2) Is enrolled as a MO HealthNet provider for the period being claimed; and

(3) Is owned, operated, or contracted by the state or a political subdivision.

3. (1) To the extent intergovernmental transfers are voluntarily made by and accepted from an eligible provider described in subsection 2 of this section or a governmental entity affiliated with an eligible provider, the department of social services shall make increased capitation payments to applicable MO HealthNet eligible providers for covered ground emergency medical transportation services.

(2) The increased capitation payments made under this section shall be in amounts at least actuarially equivalent to the supplemental fee-for-service payments and up to equivalent of commercial reimbursement rates available for eligible providers to the extent permissible under federal law.

(3) Except as provided in subsection 6 of this section, all funds associated with intergovernmental transfers made and accepted under this section shall be used to fund additional payments to eligible providers.

(4) MO HealthNet managed care plans and coordinated care organizations shall pay one hundred percent of any amount of increased capitation payments made under this section to eligible providers for providing and making available ground emergency medical transportation and prestabilization services pursuant to a contract or other arrangement with a MO HealthNet managed care plan or coordinated care organization.

4. The intergovernmental transfer program developed under this section shall be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible provider, or the governmental entity with which it is affiliated, are provided for this purpose. The department of social services shall implement the intergovernmental transfer program and increased capitation payments under this section on a retroactive basis as permitted by federal law.

5. Participation in the intergovernmental transfers under this section is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

6. As a condition of participation under this section, each eligible provider as described in subsection 2 of this section or the governmental entity affiliated with an eligible provider shall agree to reimburse the department of social services for any costs associated with implementing this section. Intergovernmental transfers described in this section are subject to an administration fee of up to twenty percent of the nonfederal share paid to the department of social services and shall be allowed to count as a cost of providing the services not to exceed one hundred twenty percent of the total amount.

7. As a condition of participation under this section, MO HealthNet managed care plans, coordinated care organizations, eligible providers as described in subsection 2 of this section, and governmental entities affiliated with eligible providers shall agree to comply with any requests for information or similar data requirements imposed by the department of social services for purposes of obtaining supporting documentation necessary to claim federal funds or to obtain federal approvals.

8. This section shall be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained.

9. To the extent that the director of the department of social services determines that the payments made under this section do not comply with federal Medicaid requirements, the director retains the discretion to return or not accept an intergovernmental transfer, and may adjust payments under this section as necessary to comply with federal Medicaid requirements.

210.305. EMERGENCY PLACEMENTS, GRANDPARENT OR RELATIVE PLACEMENT PREFERRED — DEFINITIONS — DILIGENT EFFORTS SEARCH, WHEN — COURT FILING, CONTENTS — NOTICE REQUIREMENTS. — 1. When an initial emergency placement of a child is deemed necessary, the children's division shall immediately begin a diligent search to locate, contact, and place the child with a grandparent or grandparents or a relative or relatives of the child, subject to subsection 3 of section 210.565 regarding preference of placement, except when the children's division determines that placement with a grandparent or grandparents or a relative or relatives is not in the best interest of the child and subject to the provisions of section 210.482 regarding background checks for emergency placements. If emergency placement of a child with grandparents or relatives is deemed not to be in the best interest of the child, the children's division shall document in writing the reason for denial and shall have just cause to deny the emergency placement. The children's division shall continue the search for other relatives until the division locates the relatives of the child for placement or the court excuses further search. Prior to placement of the child in any emergency placement, the division shall assure that the child's physical needs are met.

2. For purposes of this section, the following terms shall mean:

(1) "Diligent search", an exhaustive effort to identify and locate the grandparents or relatives whose identity or location is unknown. "Diligent search" shall include, but is not limited to:

(a) Interviews with the child's parent during the course of an investigation, while child protective services are provided, and while such child is in care;

(b) Interviews with the child;

(c) Interviews with identified grandparents or relatives throughout the case;

(d) Interviews with any other person who is likely to have information about the identity or location of the person being sought;

(e) Comprehensive searches of databases available to the children's division;

(f) Appropriate inquiry during the course of hearings in the case; and

(g) Any other reasonable means that are likely to identify grandparents, relatives, or other persons who have demonstrated an ongoing commitment to the child;

(2) "Emergency placement", those limited instances when the children's division is placing for an initial placement a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker.

3. A diligent search shall be made to locate, contact, and notify the grandparent or grandparents of the child within three hours from the time the emergency placement is deemed necessary for the child. During such three-hour time period, the child may be placed in an emergency placement. If a grandparent or grandparents of the child cannot be located within the three-hour period, the child may be temporarily placed in emergency placement; except that, after the emergency placement is deemed necessary, the children's division shall continue a diligent search to contact, locate, and place the child with a grandparent or grandparents, or other relatives, with first consideration given to a grandparent for placement, subject to subsection 3 of section 210.565 regarding preference of placement.

4. A diligent search shall be made to locate, contact, and notify the relative or relatives of the child within thirty days from the time the emergency placement is deemed necessary for the child. The children's division shall continue the search for the relative or relatives until the division locates the relative or relatives of the child for placement, for six months following the child's out-of-home placement, or the court excuses further search, whichever occurs first. The department shall resume search efforts if ordered by the court, a change in the child's placement occurs, or a party shows that continuing the search is in the best interests of the child. The children's division, or an entity under contract with the division, shall use all sources of information, including any known parent or relative, to attempt to locate an appropriate relative as placement.

5. [Search progress under subsection 3 or 4 of this section shall be reported at each court hearing until the grandparents or relatives are either located or the court excuses further search.] The children's division shall file with the court information regarding attempts made under this section within thirty days from the date the child was removed from his or her home, or as otherwise required by the court, and at each periodic review hearing. Such information shall include:

(1) A detailed narrative explaining the division's efforts to find and consider each potential placement and the specific outcome;

(2) The names of and relevant information about grandparents and relatives of the child;

(3) Steps taken by the division to locate and contact grandparents and relatives of the child;

(4) Responses received from grandparents and relatives of the child;

(5) Dates of each attempted or completed contact with a grandparent or relative of the child;

(6) Reasons why a grandparent or relative of the child was not considered for emergency or permanent placement of the child; and

(7) All efforts for placement of the child through an interstate compact agreement under section 210.620, including:

(a) The names of grandparents or relatives of the child who were considered for an interstate placement;

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- (b) Any pending placement of the child through an interstate compact agreement; and
- (c) All potential out-of-state placements outside of an interstate compact agreement and the reasons such placements have not been initiated.

If an out-of-state placement option exists and the division has failed to file a request with the receiving state under the requirements of an interstate compact agreement under section 210.620, the court shall enter a finding that the division has not made a due diligence search and shall order the division to file a request with the receiving state under the terms of the interstate compact.

6. All grandparents or relatives to the child identified in a diligent search required by this section, subject to exceptions due to family or domestic violence or other safety concerns, shall be provided with notice, via certified mail as appropriate, that includes, but is not limited to:

(1) A specification that an alleged dependent child has been or is being removed from his or her parental custody;

(2) An explanation of the options a grandparent or relative has to participate in the care and placement of the alleged dependent child and any options that may be lost by failing to respond to the notice;

(3) A description of the process for becoming a licensed foster family home and the additional services and supports available for children placed in approved foster homes;

(4) A description of any financial assistance for which a grandparent or relative may be eligible;
and

(5) An explanation that any response received after thirty days or willful failure to respond upon receiving a notice may result in the grandparent or relative of the child not being considered for placement.

7. If a grandparent or relative entitled to notice under this section fails to respond to the division, responds and declines to be considered as placement for the child, or is otherwise presently prevented from being considered as placement for the child and later petitions the court for a change in placement, such person shall provide evidence that such change is in the child's best interests.

8. Nothing in this section shall be construed or interpreted to interfere with or supersede laws related to parental rights or judicial authority.

210.565. RELATIVES OF CHILD SHALL BE GIVEN FOSTER HOME PLACEMENT, WHEN — DEFINITIONS — ORDER OF PREFERENCE — SPECIFIC FINDINGS REQUIRED, WHEN — SIBLING PLACEMENT — AGE OF RELATIVE NOT A FACTOR, WHEN — FEDERAL REQUIREMENTS TO BE FOLLOWED FOR PLACEMENT OF NATIVE AMERICAN CHILDREN — WAIVER OF CERTAIN STANDARDS, WHEN — GAL TO ASCERTAIN CHILD'S WISHES, WHEN. — 1. Whenever a child is placed in a foster home and the court has determined pursuant to subsection 4 of this section that foster home placement with relatives is not contrary to the best interest of the child, the children's division shall give foster home placement to relatives of the child. Notwithstanding any rule of the division to the contrary and under section 210.305, the children's division shall complete a diligent search to locate and notify the grandparents, adult siblings, parents of siblings of the child, and all other relatives and determine whether they wish to be considered for placement of the child. Grandparents who request consideration shall be given preference and first consideration for foster home placement of the child. If more than one grandparent requests consideration, the family support team shall make recommendations to the juvenile or family court about which grandparent should be considered for placement.

2. As used in this section, the following terms shall mean:

(1) "Adult sibling", any brother or sister of whole or half-blood who is at least eighteen years of age;

(2) "Relative", a grandparent or any other person related to another by blood or affinity or a person who is not so related to the child but has a close relationship with the child or the child's family. A foster parent or kinship caregiver with whom a child has resided for nine months or more is a person who has a close relationship with the child. The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter;

(3) "Sibling", one of two or more individuals who have one or both parents in common through blood, marriage, or adoption, including siblings as defined by the child's tribal code or custom.

3. The following shall be the order or preference for placement of a child under this section:

(1) Grandparents;

(2) Adult siblings or parents of siblings;

(3) Relatives [related by blood or affinity within the third degree]; and

(4) [Other relatives; and

(5)] Any foster parent who is currently licensed and capable of accepting placement of the child.

4. The preference for placement and first consideration for grandparents or preference for placement with other relatives created by this section shall only apply where the court finds that placement with such grandparents or other relatives is not contrary to the best interest of the child considering all circumstances. If the court finds that it is contrary to the best interest of a child to be placed with grandparents or other relatives, the court shall make specific findings on the record detailing the reasons why the best interests of the child necessitate placement of the child with persons other than grandparents or other relatives. Absent evidence to the contrary, the court may presume that continuation of the child's placement with his or her current caregivers is in the child's best interests.

5. Recognizing the critical nature of sibling bonds for children, the children's division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the children's division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being.

6. The age of the child's grandparent or other relative shall not be the only factor that the children's division takes into consideration when it makes placement decisions and recommendations to the court about placing the child with such grandparent or other relative.

7. For any Native American child placed in protective custody, the children's division shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

8. A grandparent or other relative may, on a case-by-case basis, have standards for licensure not related to safety waived for specific children in care that would otherwise impede licensing of the grandparent's or relative's home. In addition, any person receiving a preference may be licensed in an expedited manner if a child is placed under such person's care.

9. The guardian ad litem shall ascertain the child's wishes and feelings about his or her placement by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered as a factor in placement decisions and recommendations, but shall not supersede the preference for relative placement created by this section or be contrary to the child's best interests.

210.795. REPORT OF MISSING CHILDREN, PROCEDURE — PROTOCOLS — ANNUAL AUDIT, WHEN. — 1. (1) A child in the care and custody of the children's division whose physical whereabouts are unknown to the division, the child's physical custodian, or contracted service providers shall be considered missing and the case manager or placement provider shall immediately inform a law enforcement agency having jurisdiction and the National Center for Missing and Exploited Children within two hours of discovery that the child is missing.

(2) The case manager shall document the report number and any relevant information in the child's record.

(3) Within twenty-four hours of a report being made under this subsection, the department shall inform and obtain information about the child's disappearance from the child's parents, known relatives, out-of-home caregivers, attorney, guardian or guardian ad litem, court appointed special advocate, juvenile officer, or Indian tribe, as applicable, or from any other person known to the department who may have relevant information regarding the child's disappearance.

(4) The case manager shall:

(a) Within one week and monthly thereafter, maintain contact with the child's family members, friends, school faculty, and service providers and with any other person or agency involved in the child's case;

(b) Document ongoing efforts to locate the child; and

(c) Continue contacting law enforcement about the missing child and shall make quarterly reports to the court about the status of the child and efforts to locate the child.

The department shall contact law enforcement every seven days and document the information provided and any information received.

(5) The division shall not petition the court for a release of jurisdiction for the child or stop searching for the child while the child is missing until the child reaches the age of twenty-one.

2. The division shall maintain protocols, including appropriate trainings, for conducting ongoing searches for children missing from care. Such protocols shall include preventative measures to identify and mitigate risk to children who are at increased risk for running away or disappearing or of being victims of trafficking as defined under section 566.200.

3. The division shall ensure that each child in the care and custody of the division has an updated photograph in the child's record.

4. When a child is located, the department shall:

(1) Inform all law enforcement agencies and organizations involved in the child's case; and

(2) Have in-person contact with the child within twenty-four hours after the child is located to assess the child's health, experiences while absent, the appropriateness of the child returning to the child's current placement, and the factors that contributed to the child's absence.

5. Any employee or contractor with the children's division, child welfare agencies, other state agencies, or schools shall, upon becoming aware that an emancipated minor as defined in section 302.178, a homeless youth as defined in section 167.020, or an unaccompanied minor as defined in section 210.121 is missing, inform the appropriate law enforcement agency and the National Center for Missing and Exploited Children within twenty-four hours.

6. Within twenty-four hours of a missing child being found, the division shall assess whether the child was a victim of trafficking and determine any factors that caused the child to go missing.

7. The general assembly may require an annual independent audit of the department's compliance with this section.

285.040. PUBLIC SAFETY EMPLOYEES — RESIDENCY REQUIREMENTS (CITY OF ST. LOUIS). — 1. As used in this section, "public safety employee" shall mean a person trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, [ambulance attendants and attendant drivers,] emergency medical technicians, [emergency medical technician paramedics,] dispatchers, registered nurses, physicians, and sheriffs and deputy sheriffs.

2. No public safety employee or any other employee of a city not within a county [who is hired prior to September 1, 2023,] shall be subject to a residency requirement of retaining a primary residence

in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

[3. Public safety employees of a city not within a county who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the public safety employee to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.]

287.067. OCCUPATIONAL DISEASE DEFINED — REPETITIVE MOTION, LOSS OF HEARING, RADIATION INJURY, COMMUNICABLE DISEASE, OTHERS — POSTTRAUMATIC STRESS DISORDER (PTSD). — 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury or death by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire department or paid peace officers of a police department who are certified under chapter 590 if a direct causal relationship is established.

7. Any employee who is exposed to and contracts any contagious or communicable disease arising out of and in the course of his or her employment shall be eligible for benefits under this chapter as an occupational disease.

8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive motion which is found to be the cause of the injury is for a period of less than three months and the

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Matter underscored is proposed language.

evidence demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing factor in causing the injury, the prior employer shall be liable for such occupational disease.

9. (1) (a) Posttraumatic stress disorder (PTSD), as described in the Diagnostic and Statistical Manual of Mental Health Disorders, Fifth Edition, published by the American Psychiatric Association, (DSM-5) is recognized as a compensable occupational disease for purposes of this chapter when diagnosed in a first responder, as that term is defined under section 67.145.

(b) Benefits payable to a first responder under this section shall not require a physical injury to the first responder, and are not subject to any preexisting PTSD.

(c) Benefits payable to a first responder under this section are compensable only if demonstrated by clear and convincing evidence that PTSD has resulted from the course and scope of employment, and the first responder is examined and diagnosed with PTSD by an authorized treating physician, due to the first responder experiencing one of the following qualifying events:

a. Seeing for oneself a deceased minor;

b. Witnessing directly the death of a minor;

c. Witnessing directly the injury to a minor who subsequently died prior to or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting, an injured minor who subsequently died prior to or upon arrival at a hospital emergency department;

d. Seeing for oneself a person who has suffered serious physical injury of a nature that shocks the conscience;

e. Witnessing directly a death, including suicide, due to serious physical injury; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence;

f. Witnessing directly an injury that results in death, if the person suffered serious physical injury that shocks the conscience;

g. Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered serious physical injury, if the injured person subsequently died prior to or upon arrival at a hospital emergency department; or

h. Involvement in an event that caused or may have caused serious injury or harm to the first responder or had the potential to cause the death of the first responder, whether accidental or by an intentional act of another individual.

(2) The time for notice of injury or death in cases of compensable PTSD under this section is measured from exposure to one of the qualifying stressors listed in the DSM-5 criteria, or the diagnosis of the disorder, whichever is later. Any claim for compensation for such injury shall be properly noticed within fifty-two weeks after the qualifying exposure, or the diagnosis of the disorder, whichever is later.

287.245. VOLUNTEER FIREFIGHTERS, GRANTS FOR WORKERS' COMPENSATION INSURANCE PREMIUMS — OR CRITICAL ILLNESS BENEFITS POOL. — 1. As used in this section, the following terms shall mean:

(1) "Association", volunteer fire protection associations as defined in section 320.300;

(2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;

(3) "Volunteer firefighter", the same meaning as in section 287.243;

(4) "Voluntary [firefighter cancer] critical illness benefits pool" or "pool", the same meaning as in section 320.400.

2. (1) Any association may apply to the state fire marshal for a grant for the purpose of funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters.

(2) Any voluntary [firefighter cancer] critical illness benefits pool may apply to the state fire marshal for a grant for the [purpose of establishing a] voluntary [firefighter cancer] critical illness benefits pool. [This subdivision shall expire June 30, 2023.]

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

3. Subject to appropriations, the state fire marshal may disburse grants to any applying volunteer fire protection association subject to the following schedule:

(1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;

(2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;

(3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;

(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.

4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters or [establishing] for the benefit of a voluntary [firefighter cancer] critical illness benefits pool.

301.3175. BACK THE BLUE SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any vehicle owner may apply for "Back the Blue" license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a ten dollar contribution to the Missouri Law Enforcement Memorial Foundation, the vehicle owner may apply for the "Back the Blue" plate. If the contribution is made directly to the Missouri Law Enforcement Memorial Foundation, the foundation shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "Back the Blue" license plate. If the contribution is made directly to the director of revenue pursuant to section 301.3031, the director shall note the contribution and the owner may then apply for the "Back the Blue" plate. The applicant for such plate shall pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "Back the Blue" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Notwithstanding any provision of law to the contrary, the department of revenue shall issue the license plate or plates, as authorized in this section, for nonapportioned vehicles of any classification for which it issues a license plate or plates.

2. The "Back the Blue" plate shall bear the emblem of a thin blue line encompassed in black as prescribed by the director of revenue and shall have the words "BACK THE BLUE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

[2.] 3. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held

unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

320.210. EMPLOYEES, HOW APPOINTED, QUALIFICATIONS. — The state fire marshal shall appoint one assistant director and such other investigators and employees as the needs of the office require within the limits of the appropriation made for such purpose. [Supervising investigators shall be at least twenty-five years of age and shall have either a minimum of five years' experience in fire risk inspection, prevention, or investigation work, or a degree in fire protection engineering from a recognized college or university of engineering.] No person shall be appointed as an investigator or other employee who has been convicted of a felony or other crime involving moral turpitude. Any person appointed as an investigator shall be of good character, shall be a citizen of the United States, [shall have been a taxpaying resident of this state for at least three years immediately preceding his appointment, and] shall be a graduate of an accredited four-year high school or, in lieu thereof, shall have obtained a certificate of equivalency from the state department of elementary and secondary education, and shall [possess ordinary physical strength and be able to pass such physical and mental examinations as the state fire marshal may prescribe] be a resident of Missouri at the time of appointment. An investigator or employee shall not hold any other commission or office, elective or appointive, or accept any other employment that would pose a conflict of interest while he or she is an investigator or employee. An investigator or employee shall not accept any compensation, reward, or gift other than his or her regular salary and expenses for the performance of his or her official duties.

320.400. CRITICAL ILLNESS BENEFITS POOL — DEFINITIONS — CREATION, EMPLOYER CONTRIBUTIONS — BENEFITS, AMOUNT — OTHER PAYMENTS, WHEN — GRANTS — EFFECT ON WORKER'S COMPENSATION DETERMINATIONS. — 1. For purposes of this section, the following terms mean:

- (1) "Covered individual", a [firefighter] first responder who:
 - (a) Is a paid employee or is a volunteer [firefighter as defined in section 320.333];
 - (b) Has been assigned to at least five years of hazardous duty as a [firefighter] paid employee or volunteer;
 - (c) Was exposed to [an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Health Care Policy and Research, the American Society for Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute] or diagnosed with a critical illness type;
 - (d) Was last assigned to hazardous duty [as a firefighter] within the previous fifteen years; and
 - (e) In the case of a diagnosis of cancer, is not seventy years of age or older at the time of the diagnosis of cancer;
- (2) "Critical illness", one of the following:
 - (a) In the case of a cancer claim, exposure to an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Healthcare Research and Quality, the American Society of Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute;
 - (b) In the case of a posttraumatic stress injury claim, such an injury that is diagnosed by a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and established by a preponderance of the evidence to have been caused by the employment conditions of the first responder;
- (3) "Dependent", the same meaning as in section 287.240;

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Matter underscored is proposed language.

[(3)] (4) "Emergency medical technician-basic", the same meaning as in section 190.100;

(5) "Emergency medical technician-paramedic", the same meaning as in section 190.100;

(6) "Employer", any political subdivision of the state;

[(4)] (7) "First responder", a firefighter, emergency medical technician-basic or emergency medical technician-paramedic, or telecommunicator;

(8) "Posttraumatic stress injury", any psychological or behavioral health injury suffered by and through the employment of an individual due to exposure to stressful and life-threatening situations and rigors of the employment, excluding any posttraumatic stress injuries that may arise solely as a result of a legitimate personnel action by an employer such as a transfer, promotion, demotion, or termination;

(9) "Telecommunicator", the same meaning as in section 650.320;

(10) "Voluntary [firefighter cancer] critical illness benefits pool" or "pool", an entity described in section 537.620 that is established for the purposes of this section;

(11) "Volunteer", a volunteer firefighter, as defined in section 320.333; volunteer emergency medical technician-basic; volunteer emergency medical technician-paramedic; or volunteer telecommunicator.

2. (1) Three or more employers may create a [voluntary firefighter cancer benefits] pool for the purpose of this section. Notwithstanding the provisions of sections 537.620 to 537.650 to the contrary, a pool created pursuant to this section may allow covered individuals to join the pool. An employer or covered individual may make contributions into the [voluntary firefighter cancer benefits] pool established for the purpose of this section. Any professional organization formed for the purpose, in whole or in part, of representing or providing resources for any covered individual may make contributions to the pool on behalf of any covered individual without the professional organization itself joining the pool. The contribution levels and award levels shall be set by the board of trustees of the pool.

(2) For a covered individual or an employer that chooses to make contributions into the [voluntary firefighter cancer benefits] pool, the pool shall provide the minimum benefits specified by the board of trustees of the pool to covered individuals, based on the award level of the [cancer] critical illness at the time of diagnosis, after the employer or covered individual becomes a participant.

(3) Benefit levels for cancer shall be established by the board of trustees of the pool based on the category and stage of the cancer. Benefit levels for a posttraumatic stress injury shall be established by the board of trustees of the pool. Awards of benefits may be made to the same individual for both cancer and posttraumatic stress injury, provided the qualifications for both awards are met.

(4) In addition to [an] a cancer award pursuant to subdivision (3) of this subsection:

(a) A payment may be made from the pool to a covered individual for the actual award, up to twenty-five thousand dollars, for rehabilitative or vocational training employment services and educational training relating to the cancer diagnosis;

(b) A payment may be made to covered individual of up to ten thousand dollars if the covered individual incurs cosmetic disfigurement costs resulting from cancer.

(5) If the cancer is diagnosed as terminal cancer, the covered individual may receive a lump-sum payment of twenty-five thousand dollars as an accelerated payment toward the benefits due based on the benefit levels established pursuant to subdivision (3) of this subsection.

(6) The covered individual may receive additional awards if the cancer increases in award level, but the amount of any benefit paid earlier for the same cancer may be subtracted from the new award.

(7) If a covered individual dies while owed benefits pursuant to this section, the benefits shall be paid to the dependent or domestic partner, if any, at the time of death. If there is no dependent or domestic partner, the obligation of the pool to pay benefits shall cease.

(8) If a covered individual returns to the same position of employment after a cancer diagnosis, the covered individual may receive benefits in this section for any subsequent new type of covered cancer diagnosis.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter underscored is proposed language.

(9) The cancer benefits payable pursuant to this section shall be reduced by twenty-five percent if a covered individual used a tobacco product within the five years immediately preceding the cancer diagnosis.

(10) A cancer claim for benefits from the pool shall be filed no later than two years after the diagnosis of the cancer. The claim for each type of cancer needs to be filed only once to allow the pool to increase the award level pursuant to subdivision (3) of this subsection.

(11) A payment may be made from the pool to a covered individual for the actual award, up to ten thousand dollars, for seeking treatment with a psychiatrist licensed pursuant to chapter 334 or a psychologist licensed pursuant to chapter 337 and any subsequent courses of treatment recommended by such licensed individuals. If a covered individual returns to the same position of employment after a posttraumatic stress injury diagnosis, the covered individual may receive benefits in this section for the continued treatment of such injury or any subsequently covered posttraumatic stress injury diagnosis.

(12) For purposes of all other employment policies and benefits that are not workers' compensation benefits payable under chapter 287, health insurance, and any benefits paid pursuant to chapter 208, a covered individual's [cancer] critical illness diagnosis shall be treated as an on-the-job injury or illness.

3. The board of trustees of [the pool] a pool created pursuant to this section may:

(1) Create a program description to further define or modify the benefits of this section;

(2) Modify the contribution rates, benefit levels, including the maximum amount, consistent with subdivision (1) of this subsection, and structure of the benefits based on actuarial recommendations and with input from a committee of the pool; and

(3) Set a maximum amount of benefits that may be paid to a covered individual for each [cancer] critical illness diagnosis.

4. The board of trustees of the pool shall be considered a public governmental body and shall be subject to all of the provisions of chapter 610.

5. A pool may accept or apply for any grants or donations from any private or public source.

6. (1) Any pool may apply to the state fire marshal for a grant for the [purpose of establishing a voluntary firefighter cancer benefits] pool. The state fire marshal shall disburse grants to the pool upon receipt of the application.

(2) The state fire marshal may grant money disbursed under section 287.245 to be used for the purpose of setting up a pool.

[(3) This subsection shall expire on June 30, 2023.]

7. (1) This [subsection] section shall not affect any determination as to whether a covered individual's [cancer] critical illness arose out of and in the course of employment and is a compensable injury pursuant to chapter 287. Receipt of benefits from [the] a pool under this section shall not be considered competent evidence or proof by itself of a compensable injury under chapter 287.

(2) Should it be determined that a covered individual's [cancer] critical illness arose out of and in the course of employment and is a compensable injury under chapter 287, the compensation and death benefit provided under chapter 287 shall be reduced one hundred percent by any benefits received from the pool under this section.

(3) The employer in any claim made pursuant to chapter 287 shall be subrogated to the right of the employee or to the dependent or domestic partner to receive benefits from [the] a pool and such employer may recover any amounts which such employee or the dependent or domestic partner would have been entitled to recover from [the] a pool under this section. Any receipt of benefits from the pool under this section shall be treated as an advance payment by the employer, on account of any future installments of benefits payable pursuant to chapter 287.

**321.225. EMERGENCY AMBULANCE SERVICES, MAY PROVIDE — ELECTION — TAX LEVY
— ADDITIONAL TAX LEVY, PARAMEDIC FIRST RESPONDER PROGRAM — DEFEAT OF LEVY,**

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Matter underscored is proposed language.

OLD LEVY TO REMAIN IN EFFECT — EMERGENCY, DEFINED. — 1. A fire protection district may, in addition to its other powers and duties, provide emergency ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an emergency ambulance service as it does in operating its fire protection service.

2. The proposition to furnish emergency ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of _____ Fire Protection District be authorized to provide emergency ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of emergency ambulance service and the levy, the district shall forthwith commence such service.

5. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

6. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service or partial or complete support of [an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician] a paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the _____ Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of [an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician] a paramedic first responder program?

☐ FOR THE PROPOSITION

☐ AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

321.246. FIRE PROTECTION DISTRICTS, SALES TAX AUTHORIZED FOR DISTRICTS WITHIN CERTAIN COUNTIES AND CITIES — BALLOT CONTENTS — TRUST FUND — COLLECTION BY DIRECTOR OF REVENUE — REFUNDS. — 1. The governing body of any fire protection district which operates within both a county [of the first classification] with a charter form of government and with a population greater than six hundred thousand but less than nine hundred thousand and a county of the

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Matter underscored is proposed language.

fourth classification with a population greater than thirty thousand but less than thirty-five thousand and that adjoins a county [of the first classification] with a charter form of government, the governing body of any fire protection district which contains a city of the fourth classification having a population greater than two thousand four hundred when the city is located in a county [of the first classification without] with a charter form of government having a population greater than one hundred fifty thousand and the county contains a portion of a city with a population greater than three hundred fifty thousand, or the governing body of any fire protection district that operates in a county of the third classification with a population greater than fourteen thousand but less than fifteen thousand may impose a sales tax in an amount of up to one-half of one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of the fire protection district, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the fire protection district of _____ (district's name) impose a district-wide sales tax of _____ for the purpose of providing revenues for the operation of the fire protection district?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of the fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in the fire protection [district] sales tax trust fund established pursuant to section 321.242. The moneys in the fire protection [district] sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each fire protection district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and all expenditures of funds arising from the fire protection [district] sales tax trust fund shall be for the operation of the fire protection district and for no other purpose.

5. The director of revenue may make refunds from the amounts in the trust fund and credited to any fire protection district for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts. If any fire protection district abolishes the tax, the fire protection district shall notify the director of revenue of the action at least ninety

days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district, the director of revenue shall remit the balance in the account to the fire protection district and close the account of that fire protection district. The director of revenue shall notify each fire protection district of each instance of any amount refunded or any check redeemed from receipts due the fire protection district. In the event a tax within a fire protection district is approved under this section, and such fire protection district is dissolved, the tax shall lapse on the date that the fire protection district is dissolved and the proceeds from the last collection of such tax shall be distributed to the governing bodies of the counties formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such counties.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed pursuant to this section.

321.620. AMBULANCE SERVICES MAY BE PROVIDED — EMERGENCY, DEFINED — ELECTION HELD WHEN, PROCEDURE TO CALL — ADDITIONAL TAX LEVY, PARAMEDIC FIRST RESPONDER PROGRAM, AMOUNT — IF TAX LEVY FAILS, OLD LEVY TO REMAIN IN EFFECT. —

1. Fire protection districts in first class counties may, in addition to their other powers and duties, provide ambulance service within their district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an ambulance service as it does in operating its fire protection service. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

2. The proposition to furnish ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board or upon petition by five hundred voters of such district.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of _____ Fire Protection District be authorized to provide ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of ambulance service and the levy, the district shall forthwith commence such service.

5. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service, or partial or complete support of [an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician] a paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the _____ Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of [an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician] a paramedic first responder program?

☐ FOR THE PROPOSITION

☐ AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote).

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

362.034. MARIJUANA FACILITIES, REQUEST FOR CERTAIN AGENCIES TO SHARE INFORMATION WITH BANKING INSTITUTIONS — PROCEDURE. — 1. Any entity that operates as a facility licensed or certified under Article XIV of the Constitution of Missouri may request in writing that a state or local licensing authority or agency, including, but not limited to, the department of health and senior services or department of revenue, share the entity's application, license, or other regulatory and financial information with a banking institution. A state or local licensing authority or agency may also share such information with the banking institution's state and federal supervisory agencies.

2. In order to ensure the state or local licensing authority or agency is properly maintaining the confidentiality of individualized data, information, or records, an entity shall include in the written request a waiver giving authorization for the transfer of the individualized data, information, or records and waiving any confidentiality or privilege that applies to that individualized data, information, or records.

3. This section shall only apply to the disclosure of information by a state or local licensing authority or agency reasonably necessary to facilitate the provision of financial services by a banking institution to the entity making a request pursuant to this section.

4. The recipient of any information pursuant to this section shall treat such information as confidential and use it only for the purposes described in this section.

5. Nothing in this section shall be construed to authorize the disclosure of confidential or privileged information, nor waive an entity's rights to assert confidentiality or privilege, except as reasonably necessary to facilitate the provision of financial services for the entity making the request.

6. An entity that has provided a waiver pursuant to this section may withdraw the waiver with thirty days' notice in writing.

7. Nothing in this section shall be construed to modify the requirements of chapter 610.

8. For purposes of this section, the following terms mean:

(1) "Banking institution", the same meaning as in Article IV, Section 15 of the Missouri Constitution;

(2) "Entity", the same meaning as in Article XIV of the Missouri Constitution.

407.302. METAL BELONGING TO VARIOUS ENTITIES — SCRAP YARD NOT TO PURCHASE — VIOLATION, PENALTY. — 1. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, or utility regulated under chapter 386 or 393, including twisted pair copper telecommunications wiring of pair or greater existing in 19, 22, 24, or 26 gauge burnt wire, bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or

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Matter underscored is proposed language.

unbroken, from anyone other than the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer of the metal or item described in this section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under chapter 386 or 393, or manufacturer to sell the metal.

2. Anyone convicted of violating this section shall be guilty of a class B misdemeanor.

488.435. SHERIFF TO RECEIVE CHARGES FOR CIVIL CASES. — 1. Sheriffs shall receive a charge, as provided in section 57.280, for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, as provided in section 57.280, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars, as provided in section 57.280; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled, as provided in section 57.280, to receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be received by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to section 57.280 shall be collected by the court clerk as court costs and are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of such charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to receive the charge shall not affect the validity of the service.

2. The sheriff shall, as provided in section 57.280, receive for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his or her agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the court shall pay the sheriff's costs, as provided in section 57.280, for the removal, transportation, storage, safekeeping and support of any property to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each mile, as provided in section 57.280, going and returning from the courthouse of the county in which he or she resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The provisions of this subsection shall not apply to garnishment proceeds.

3. As provided in subsection 4 of section 57.280, the sheriff shall receive ten dollars for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of section 57.280, in addition to the charge for such service that each sheriff receives under subsection 1 of section 57.280. The money received by the sheriff under subsection 4 of section 57.280 shall be paid into the county treasury and the county treasurer shall make such money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

4. As provided in subsection 5 of section 57.280, the court clerk shall collect ten dollars as a court cost for service of any summons, writ, subpoena, or other order of the court included under subsection 1 of this section if any person other than a sheriff is specially appointed to serve in a county that receives funds under section 57.278. The moneys received by the clerk under this subsection shall be paid into the county treasury and the county treasurer shall make such moneys payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation fund created under section 57.278.

537.037. EMERGENCY CARE, NO CIVIL LIABILITY, EXCEPTIONS (GOOD SAMARITAN LAW).

— 1. Any physician or surgeon, registered professional nurse or licensed practical nurse licensed to practice in this state under the provisions of chapter 334 or 335, or licensed to practice under the equivalent laws of any other state and any person licensed as [a mobile] an emergency medical technician under the provisions of chapter 190, may:

(1) In good faith render emergency care or assistance, without compensation, at the scene of an emergency or accident, and shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care;

(2) In good faith render emergency care or assistance, without compensation, to any minor involved in an accident, or in competitive sports, or other emergency at the scene of an accident, without first obtaining the consent of the parent or guardian of the minor, and shall not be liable for any civil damages other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering the emergency care.

2. Any other person who has been trained to provide first aid in a standard recognized training program may, without compensation, render emergency care or assistance to the level for which he or she has been trained, at the scene of an emergency or accident, and shall not be liable for civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

3. Any mental health professional, as defined in section 632.005, or qualified counselor, as defined in section 631.005, or any practicing medical, osteopathic, or chiropractic physician, or certified nurse practitioner, or physicians' assistant may in good faith render suicide prevention interventions at the scene of a threatened suicide and shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such suicide prevention interventions.

4. Any other person may, without compensation, render suicide prevention interventions at the scene of a threatened suicide and shall not be liable for civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such suicide prevention interventions.

544.453. BAIL OR CONDITIONS OF RELEASE, FACTORS TO CONSIDER. — Notwithstanding any provision of the law or court rule to the contrary, a judge or judicial officer, when setting bail or conditions of release in all courts in Missouri for any offense charged, shall consider, in addition to any factor required by law, whether:

(1) A defendant poses a danger to a victim of a crime, the community, any witness to the crime, or to any other person;

(2) A defendant is a flight risk;

(3) A defendant has committed a misdemeanor offense involving a crime of violence, sexual offense, or felony offense in this state or any other state in the last five years; and

(4) A defendant has failed to appear in court as a required condition of probation or parole for a misdemeanor involving a crime of violence or felony or a sexual offense within the last three years.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

558.031. CALCULATION OF TERMS OF IMPRISONMENT — CREDIT FOR JAIL TIME AWAITING TRIAL, REQUIREMENTS. — 1. A sentence of imprisonment shall commence when a person convicted of an offense in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced.

2. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after [conviction] the offense occurred and before the commencement of the sentence, when the time in custody was related to that offense[, and the circuit court may, when pronouncing sentence, award credit for time spent in prison, jail, or custody after the offense occurred and before conviction toward the service of the sentence of imprisonment, except:

(1) Such credit shall only be applied once when sentences are consecutive;

(2) Such credit shall only be applied if the person convicted was in custody in the state of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and

(3) As provided in section 559.100]. This credit shall be based upon the certification of the sheriff as provided in subdivision (3) of subsection 2 of section 217.305 and may be supplemented by a certificate of a sheriff or other custodial officer from another jurisdiction having held the person on the charge of the offense for which the sentence of imprisonment is ordered.

3. The officer required by law to deliver a person convicted of an offense in this state to the department of corrections shall endorse upon the papers required by section 217.305 both the dates the offender was in custody and the period of time to be credited toward the service of the sentence of imprisonment, except as endorsed by such officer.

4. If a person convicted of an offense escapes from custody, such escape shall interrupt the sentence. The interruption shall continue until such person is returned to the correctional center where the sentence was being served, or in the case of a person committed to the custody of the department of corrections, to any correctional center operated by the department of corrections. An escape shall also interrupt the jail time credit to be applied to a sentence which had not commenced when the escape occurred.

5. If a sentence of imprisonment is vacated and a new sentence imposed upon the offender for that offense, all time served under the vacated sentence shall be credited against the new sentence, unless the time has already been credited to another sentence as provided in subsection 1 of this section.

6. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his or her parole or release, he or she may be treated as a parole violator. If the parole board revokes the parole or conditional release, the paroled person shall serve the remainder of the prison term and conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as a prison term, unless released on parole.

7. Subsection 2 of this section shall be applicable to offenses [occurring] for which the offender was sentenced on or after August 28, [2021] 2023.

8. The total amount of credit given shall not exceed the number of days spent in prison, jail, or custody after the offense occurred and before the commencement of the sentence.

569.010. CHAPTER DEFINITIONS. — As used in this chapter the following terms mean:

(1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the opening has a natural entrance;

(2) "Enter unlawfully or remain unlawfully", a person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in

a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public;

(3) "Nuclear power plant", a power generating facility that produces electricity by means of a nuclear reactor owned by a utility or a consortium utility. Nuclear power plant shall be limited to property within the structure or fenced yard, as defined in section 563.011;

(4) "Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies, payment of bills, or loading money or digital currency to a payment card or other device without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services;

(5) "To tamper", to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing;

~~[(5)]~~ (6) "Utility", an enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.

569.100. PROPERTY DAMAGE IN THE FIRST DEGREE — PENALTIES. — 1. A person commits the offense of property damage in the first degree if such person:

(1) Knowingly damages property of another to an extent exceeding seven hundred fifty dollars; or

(2) Damages property to an extent exceeding seven hundred fifty dollars for the purpose of defrauding an insurer; ~~[or]~~

(3) Knowingly damages a motor vehicle of another and the damage occurs while such person is making entry into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle; ~~or~~

(4) Knowingly damages, modifies, or destroys a teller machine or otherwise makes it inoperable.

2. The offense of property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class E felony, unless the offense of property damage in the first degree was committed under subdivision (1) of subsection 1 of this section and the victim was intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony. The offense of property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class D felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony. The offense of property damage in the first degree committed under subdivision (4) of subsection 1 of this section is a class D felony unless committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven hundred fifty dollars in which case it is a class C felony; or unless committed to obtain the personal financial credentials of another person or committed as a second or subsequent violation of subdivision (4) of subsection 1 of this section in which case it is a class B felony.

570.010. CHAPTER DEFINITIONS. — As used in this chapter, the following terms mean:

(1) "Adulterated", varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) "Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;

(3) "Check", a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money;

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Matter underscored is proposed language.

- (4) "Coercion", a threat, however communicated:
- (a) To commit any offense; or
 - (b) To inflict physical injury in the future on the person threatened or another; or
 - (c) To accuse any person of any offense; or
 - (d) To expose any person to hatred, contempt or ridicule; or
 - (e) To harm the credit or business reputation of any person; or
 - (f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or
 - (g) To inflict any other harm which would not benefit the actor. A threat of accusation, lawsuit or other invocation of official action is justified and not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat;
- (5) "Credit device", a writing, card, code, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;
- (6) "Dealer", a person in the business of buying and selling goods;
- (7) "Debit device", a writing, card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients;
- (8) "Deceit or deceive", making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind, or concealing a material fact as to the terms of a contract or agreement. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;
- (9) "Deprive":
- (a) To withhold property from the owner permanently; or
 - (b) To restore property only upon payment of reward or other compensation; or
 - (c) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely;
- (10) "Electronic benefits card" or "EBT card", a debit card used to access food stamps or cash benefits issued by the department of social services;
- (11) "Financial institution", a bank, trust company, savings and loan association, or credit union;
- (12) "Food stamps", the nutrition assistance program in Missouri that provides food and aid to low-income individuals who are in need of benefits to purchase food operated by the United States Department of Agriculture (USDA) in conjunction with the department of social services;
- (13) "Forcibly steals", a person, in the course of stealing, uses or threatens the immediate use of physical force upon another person for the purpose of:
- (a) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or
 - (b) Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft;
- (14) "Internet service", an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the internet, or any comparable system

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or service and also includes, but is not limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service;

(15) "Means of identification", anything used by a person as a means to uniquely distinguish himself or herself;

(16) "Merchant", a person who deals in goods of the kind or otherwise by his or her occupation holds oneself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his or her employment of an agent or broker or other intermediary who by his or her occupation holds oneself out as having such knowledge or skill;

(17) "Misabeled", varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity;

(18) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled substance as defined in chapter 195;

(19) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

(20) "Public assistance benefits", anything of value, including money, food, EBT cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials, goods, and any service including institutional care, medical care, dental care, child care, psychiatric and psychological service, rehabilitation instruction, training, transitional assistance, or counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered by the Missouri department of social services or any of its divisions;

(21) "Services" includes transportation, telephone, electricity, gas, water, or other public service, cable television service, video service, voice over internet protocol service, or internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

(22) "Stealing-related offense", federal and state violations of criminal statutes against stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances against the same if the offender was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings;

(23) "Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies, payment of bills, or loading money or digital currency to a payment card or other device without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services;

(24) "Video service", the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet, and includes microwave television transmission, from a multipoint distribution

service not capable of reception by conventional television receivers without the use of special equipment;

~~[(24)]~~ (25) "Voice over internet protocol service", a service that:

- (a) Enables real-time, two-way voice communication;
- (b) Requires a broadband connection from the user's location;
- (c) Requires internet protocol-compatible customer premises equipment; and
- (d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;

~~[(25)]~~ (26) "Writing" includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.030. STEALING — PENALTIES. — 1. A person commits the offense of stealing if he or she:

(1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;

(2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or

(3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

2. The offense of stealing is a class A felony if the property appropriated consists of any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank or field applicator.

3. The offense of stealing is a class B felony if:

(1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen;

(2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections;

(3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense;

(4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; or

(5) The property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property.

4. The offense of stealing is a class C felony if the value of the property or services appropriated is twenty-five thousand dollars or more or the property is a teller machine or the contents of a teller machine, including cash, regardless of the value or amount.

5. The offense of stealing is a class D felony if:

- (1) The value of the property or services appropriated is seven hundred fifty dollars or more;
- (2) The offender physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

- (a) Any motor vehicle, watercraft or aircraft;
 - (b) Any will or unrecorded deed affecting real property;
 - (c) Any credit device, debit device or letter of credit;
 - (d) Any firearms;
 - (e) Any explosive weapon as defined in section 571.010;
 - (f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;
 - (g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;
 - (h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;
 - (i) Any book of registration or list of voters required by chapter 115;
 - (j) Any animal considered livestock as that term is defined in section 144.010;
 - (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
 - (l) Any captive wildlife held under permit issued by the conservation commission;
 - (m) Any controlled substance as defined by section 195.010;
 - (n) Ammonium nitrate;
 - (o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or
 - (p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.
6. The offense of stealing is a class E felony if:
- (1) The property appropriated is an animal;
 - (2) The property is a catalytic converter; or
 - (3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense; or
 - (4) The property appropriated is a letter, postal card, package, bag, or other sealed article that was delivered by a common carrier or delivery service and not yet received by the addressee or that had been left to be collected for shipment by a common carrier or delivery service.
7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.
8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section.
9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.
10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a separate felony and may be charged in separate counts.
11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitutes a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section.

571.030. UNLAWFUL USE OF WEAPONS, OFFENSE OF — EXCEPTIONS — VIOLATION, PENALTIES. — 1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

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Matter underscored is proposed language.

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or

(6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or

(7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or

(8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

(10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or

(11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 579.015.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

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(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the parole board;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who is a school officer commissioned by the district school board under section 162.215 or who is a school protection officer, as described under section 160.665.

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Matter underscored is proposed language.

(2) Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. A person who commits the crime of unlawful use of weapons under:

(1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;

(2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply;

(3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

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(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance;
and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

575.095. TAMPERING WITH A JUDICIAL OFFICER — PENALTY. — 1. A person commits the offense of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, such person:

(1) Threatens or causes harm to such judicial officer or members of such judicial officer's family;

(2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;

(3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;

(4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to section 565.225 or 565.227;

(5) Disseminates through any means, including by posting on the internet, the judicial officer's or the judicial officer's family's personal information. For purposes of this section, "personal information" includes a home address, home or mobile telephone number, personal email address, Social Security number, federal tax identification number, checking or savings account number, marital status, and identity of a child under eighteen years of age.

2. A judicial officer for purposes of this section shall be a judge or commissioner of a state or federal court, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole officer, or referee.

3. A judicial officer's family for purposes of this section shall be:

(1) Such officer's spouse; or

(2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption; or

(3) Such officer's stepchild, while the marriage creating that relationship exists.

4. The offense of tampering with a judicial officer is a class D felony.

5. If a violation of this section results in death or bodily injury to a judicial officer or a member of the judicial officer's family, the offense is a class B felony.

578.156. INTERFERENCE WITH THE TRANSPORTATION OF LIVESTOCK, OFFENSE OF — PENALTIES. — 1. A person commits the offense of interference with the transportation of livestock if the person knowingly does any of the following:

(1) Stops, hinders, impedes, boards, obstructs, or otherwise interferes with a motor vehicle transporting livestock regardless of whether the motor vehicle is moving;

(2) Provokes or disturbs livestock when the livestock is confined in a motor vehicle regardless of whether the motor vehicle is moving; or

(3) Puts or places a compound or substance on, near, or upon such livestock that would:

(a) Affect the livestock's marketability or suitability for use;

(b) Affect animal or human health; or

(c) Result in an unreasonable transportation or shipping delay.

2. The offense of interference with the transportation of livestock is a class E felony for a first offense and a class C felony for any second or subsequent offense.

3. In a prosecution alleging that a person committed the offense of interference with the transportation of livestock under subsection 1 of this section, the person may assert an affirmative defense of consent. The person shall prove by a preponderance of the evidence that the person was acting with the consent of any of the following:

(1) A person having real or apparent authority to transport the livestock; or

(2) The owner of the livestock or any other person having real or apparent authority to possess or control the livestock.

4. The provisions of this section shall not apply to any enforcement action or services provided by a law enforcement officer or agency or an employee or agent of the department of agriculture acting under section 267.645.

5. As used in this section, the following terms mean:

(1) "Livestock", as defined under section 265.300;

(2) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks and an item attached to the motor vehicle. "Motor vehicle" shall not include farm tractors and electric bicycles.

579.041. DRUG MASKING PRODUCT, UNLAWFUL DISTRIBUTION, DELIVERY, OR SALE OF — PENALTY. — 1. For purposes of this section, the following terms mean:

(1) "Drug masking product", synthetic urine, human urine, a substance designated to be added to human urine, or a substance designated to be added to or used on human hair or oral fluid for the purpose of defrauding an alcohol or a drug screening test;

(2) "Synthetic urine", a substance that is designated to simulate the composition, chemical properties, physical appearance, or physical properties of human urine.

2. A person commits the offense of unlawful distribution, delivery, or sale of a drug masking product if the person unlawfully distributes, delivers, or sells a drug masking product.

3. The offense of unlawful distribution, delivery, or sale of a drug masking product is a class A misdemeanor.

579.088. FENTANYL, DEVICES TO DETECT THE PRESENCE OF PERMITTED. — Notwithstanding any other provision of this chapter or chapter 195 to the contrary, it shall not be unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances to detect the presence of fentanyl or any synthetic controlled substance fentanyl analogue.

590.033. CHIEF OF POLICE TRAINING COURSE, POST COMMISSION TO ESTABLISH MINIMUM STANDARDS — EXEMPTION, WHEN — FAILURE TO COMPLETE, LOSS OF FUNDS — COMPENSATION. — 1. The POST commission shall establish minimum standards for a chief of police training course which shall include at least forty hours of training. All police chiefs appointed after August 28, 2023, shall attend a chief of police training course certified by the POST commission not later than six months after the person's appointment as a chief of police.

2. A chief of police may request an exemption from the training in subsection 1 of this section by submitting to the POST commission proof of completion of the Federal Bureau of Investigation's

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national academy course or any other equivalent training course within the previous ten years or at least five years of experience as a police chief in a Missouri law enforcement agency.

3. Any law enforcement agency who has a chief of police appointed after August 28, 2023, who fails to complete a chief of police training course within six months of appointment shall be precluded from receiving any POST commission training funds, state grant funds, or federal grant funds until the police chief has completed the training course.

4. While attending a chief of police training course, the chief of police shall receive compensation in the same manner and amount as if carrying out the powers and duties of the chief of police. The cost of the chief of police training course may be paid by moneys from the peace officer standards and training commission fund created in section 590.178.

590.040. CHIEF OF POLICE TRAINING COURSE, POST COMMISSION TO ESTABLISH MINIMUM STANDARDS — EXEMPTION, WHEN — FAILURE TO COMPLETE, LOSS OF FUNDS — COMPENSATION. — 1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower ~~[than four hundred seventy and no higher]~~ than six hundred, with the following exceptions:

(1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;

(2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;

(3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;

(4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect;

(5) Persons serving as a reserve officer on August 27, 2001, within a county of the first classification or a county with a charter form of government and with more than one million inhabitants on August 27, 2001, having previously completed a minimum of one hundred sixty hours of training, shall be granted a license necessary to function as a reserve peace officer only within such county. For the purposes of this subdivision, the term "reserve officer" shall mean any person who serves in a less than full-time law enforcement capacity, with or without pay and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty; and

(6) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and

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gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health and senior services, the children's division, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence.

590.080. DISCIPLINE OF PEACE OFFICERS, GROUNDS — COMPLAINT FILED, HEARING. —

1. As used in this section, the following terms shall mean:

(1) "Gross misconduct", includes any willful and wanton or unlawful conduct motivated by premeditated or intentional purpose or by purposeful indifference to the consequences of one's acts;

(2) "Moral turpitude", the wrongful quality shared by acts of fraud, theft, bribery, illegal drug use, sexual misconduct, and other similar acts as defined by the common law of Missouri;

(3) "Reckless disregard", a conscious disregard of a substantial risk that circumstances exist or that a result will follow, and such failure constitutes a gross deviation from the standard of care that a reasonable peace officer would exercise in the situation.

2. The director shall have cause to discipline any peace officer licensee who:

(1) Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety [as a result of a mental condition, including alcohol or substance abuse];

(2) Has committed any criminal offense, whether or not a criminal charge has been filed, has been convicted, or has entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, or the United States, or of any country, regardless of whether or not sentence is imposed;

(3) Has committed any act [while on active duty or under color of law] that involves moral turpitude or a reckless disregard for the safety of the public or any person;

(4) Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;

(5) Has violated a condition of any order of probation lawfully issued by the director; [or]

(6) Has violated a provision of this chapter or a rule promulgated pursuant to this chapter;

(7) Has tested positive for a controlled substance, as defined in chapter 195, without a valid prescription for the controlled substance, except as otherwise provided by law or by any provision of the Constitution of Missouri;

(8) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or

(9) Has committed any act of gross misconduct indicating inability to function as a peace officer.

[2.] 3. When the director has knowledge of cause to discipline a peace officer licensee pursuant to this section, the director may cause a complaint to be filed with the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for discipline, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to determine appropriate discipline when cause exists pursuant to this section.

[3.] 4. Upon a finding by the administrative hearing commission that cause to discipline exists, the director shall, within thirty days, hold a hearing to determine the form of discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

[4.] 5. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

[5.] 6. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline.

[6.] 7. The provisions of chapter 621 and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved.

590.1070. TUITION REIMBURSEMENT PROGRAM ESTABLISHED — POST COMMISSION DUTIES — ELIGIBILITY FOR REIMBURSEMENT — RULEMAKING AUTHORITY. — 1. There is hereby established within the department of public safety the "Peace Officer Basic Training Tuition Reimbursement Program". Any moneys appropriated by the general assembly for this program shall be used to provide tuition reimbursement for:

(1) Qualifying Missouri residents who have paid tuition at a state licensed basic law enforcement training center for the basic law enforcement training required for a peace officer license in this state and who have been employed as full-time peace officers in this state for a specified period; and

(2) Qualifying government entities that have paid tuition for an employee to receive the basic law enforcement training required for a peace officer license in this state at a licensed basic law enforcement training center when such employee has been employed as a full-time peace officer for a specified period.

2. The Missouri POST Commission shall be the administrative agency for the implementation of the tuition reimbursement program established under this section, and shall:

(1) Prescribe the form and the time and method of awarding tuition reimbursement under this section and shall supervise the processing thereof; and

(2) Select qualifying recipients to receive reimbursement under this section and determine the manner and method of payment to the recipient.

3. To be eligible to receive tuition reimbursement under subdivision (1) of subsection 1 of this section, a person shall:

(1) Be initially employed as a peace officer on or after September 1, 2023;

(2) Submit to the commission an initial application for tuition reimbursement, and annually thereafter for each year of qualifying employment, in the manner and on a form prescribed by the commission that requires:

(a) Employer verification of the person's employment as a full-time peace officer in this state for at least one year and the person's current employment as a peace officer in this state as of the date of the application;

(b) A transcript containing the person's basic police training coursework and his or her date of graduation; and

(c) A statement of the total amount of tuition the applicant paid to the basic training center for his or her basic training;

(3) Be currently employed, and have completed at least one year of employment, as a full-time peace officer in this state; and

(4) Comply with any other requirements adopted by the commission under this section.

4. To be eligible to receive tuition reimbursement under subdivision (2) of subsection 1 of this section, a government entity shall:

(1) Be the employer of a peace officer who was initially employed on or after September 1, 2023;

(2) Submit to the commission an initial application for tuition reimbursement, and annually thereafter for each year of the employee's qualifying employment, up to four years, in the manner and on a form prescribed by the commission that requires:

(a) Verification of the employee's full-time employment as a peace officer in this state for at least one year and the employee's current employment as a peace officer in this state as of the date of the application;

(b) A transcript containing the employee's basic police training coursework and his or her date of graduation; and

(c) A statement of the total amount of tuition and fees the employer paid to the basic training center for the employee's basic training;

(3) Certify that the employee is currently employed, and has completed at least one year of employment, as a full-time peace officer in this state; and

(4) Comply with any other requirements adopted by the commission under this section.

5. Tuition reimbursement granted under this section, subject to the availability of funds, shall be reimbursed as follows:

(1) At the end of one year of continuous employment as a full-time peace officer, an applicant or his or her employer, whichever applies, shall be eligible to receive reimbursement for twenty-five percent of the total tuition paid to a licensed basic training center;

(2) At the end of two, three, and four years of continuous qualifying employment as a full-time peace officer, and submission of documents verifying continued full-time employment as a peace officer, an applicant or his or her employer, whichever applies, shall be eligible to receive reimbursement each year for twenty-five percent of the total tuition paid to a licensed basic training center. A government entity may qualify for tuition reimbursement under this subdivision for tuition paid for an employee even if such person is no longer employed by the government entity as long as the person for whom tuition was paid is still continuously employed as a full-time peace officer.

6. Notwithstanding any provision of this section to the contrary, the total amount of tuition reimbursement provided under this section to an eligible person, or to a government entity with respect to an employee, shall not exceed six thousand dollars per person or employee.

7. The department of public safety shall promulgate all necessary rules and regulations for the administration of the program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

590.1075. TUITION REIMBURSEMENT FUND CREATED, USE OF MONEYS. — There is hereby created in the state treasury the "Peace Officer Basic Training Tuition Reimbursement Fund", which shall consist of moneys appropriated annually by the general assembly from general revenue and any gifts, bequests, or donations. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of section 590.1070. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

595.209. RIGHTS OF VICTIMS AND WITNESSES — WRITTEN NOTIFICATION, REQUIREMENTS. — 1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023, victims of any offense under

chapter 566, victims of an attempt to commit one of the preceding crimes, as defined in section 562.012, and victims of domestic assault, as defined in sections 565.072 to 565.076; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:

(1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called to testify or may be called to testify as a witness in the case;

(2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection;

(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days;

(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;

(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following:

(a) The status of any case concerning a crime against the victim, including juvenile offenses;

(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;

(c) Any release of such person on bond or for any other reason;

(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings, the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room in such a way that the victim is shielded from the view of the probationer or parolee, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of personal appearance;

(7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552 of the following:

(a) The projected date of such person's release from confinement;

(b) Any release of such person on bond;

(c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release;

(d) Any scheduled parole or release hearings, including hearings under section 217.362, regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice;

(e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person;

(f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding over releases under section 217.362, to release such person or any decision by the governor to commute the sentence of such person or pardon such person;

(g) Notification within thirty days of the death of such person;

(8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled;

(9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges;

(11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law;

(12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(13) When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned;

(14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require any witness, victim, or member of a victim's immediate family to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in the preparation of a criminal proceeding;

(15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

(16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their written request, case status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness;

(17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration;

(18) For victims, the right to receive upon request from the department of corrections a photograph taken of the defendant prior to release from incarceration.

2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of this section shall provide the appropriate person or agency with their current addresses, electronic mail addresses, and telephone numbers or the addresses, electronic mail addresses, or telephone numbers at which they wish notification to be given.

4. Notification by the appropriate person or agency utilizing the statewide automated crime victim notification system as established in section 650.310 shall constitute compliance with the victim notification requirement of this section. If notification utilizing the statewide automated crime victim notification system cannot be used, then written notification shall be sent by certified mail or electronic mail to the most current address or electronic mail address provided by the victim.

5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant to exclude victims or prevent their full participation in each and every phase of parole hearings or probation revocation hearings. The rights of the victims granted in this section are absolute and the policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has an absolute right to be present at any hearing in which the defendant is present before a probation and parole hearing officer.

610.021. CLOSED MEETINGS AND CLOSED RECORDS AUTHORIZED WHEN, EXCEPTIONS. —

Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) (a) Security measures, global positioning system (GPS) data, investigative information, or investigative or surveillance techniques of any public agency responsible for law enforcement or public safety that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

(b) Any information or data provided to a tip line for the purpose of safety or security at an educational institution that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

(c) Any information contained in any suspicious activity report provided to law enforcement that, if disclosed, has the potential to endanger the health or safety of an individual or the public.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(d) Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident **[which is or appears to be terrorist in nature and]** which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body;

(23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business;

(24) Records relating to foster home or kinship placements of children in foster care under section 210.498; and

(25) Individually identifiable customer usage and billing records for customers of a municipally owned utility, unless the records are requested by the customer or authorized for release by the customer, except that a municipally owned utility shall make available to the public the customer's name, billing address, location of service, and dates of service provided for any commercial service account.

650.320. DEFINITIONS. — For the purposes of sections 650.320 to 650.340, the following terms mean:

- (1) "Ambulance service", the same meaning given to the term in section 190.100;
- (2) "Board", the Missouri 911 service board established in section 650.325;
- (3) "Dispatch agency", the same meaning given to the term in section 190.100;
- (4) "Medical director", the same meaning given to the term in section 190.100;
- (5) "Memorandum of understanding", the same meaning given to the term in section 190.100;
- (2)] (6) "Public safety answering point", the location at which 911 calls are answered;
- (3)] (7) "Telecommunicator first responder", any person employed as an emergency [telephone worker,] call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

650.330. BOARD MEMBERS, DUTIES — DEPARTMENT OF PUBLIC SAFETY TO PROVIDE STAFF — RULEMAKING AUTHORITY. — 1. The board shall consist of fifteen members, one of which shall be chosen from the department of public safety, and the other members shall be selected as follows:

- (1) One member chosen to represent an association domiciled in this state whose primary interest relates to municipalities;
- (2) One member chosen to represent the Missouri 911 Directors Association;
- (3) One member chosen to represent emergency medical services and physicians;
- (4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;
- (5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;
- (6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;
- (7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;
- (8) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;
- (9) One member chosen to represent counties of the second, third, and fourth classification;
- (10) One member chosen to represent counties of the first classification, counties with a charter form of government, and cities not within a county;
- (11) One member chosen to represent telecommunications service providers;
- (12) One member chosen to represent wireless telecommunications service providers;
- (13) One member chosen to represent voice over internet protocol service providers; and
- (14) One member chosen to represent the governor's council on disability established under section 37.735.

2. Each of the members of the board shall be appointed by the governor with the advice and consent of the senate for a term of four years. Members of the committee may serve multiple terms. No corporation or its affiliate shall have more than one officer, employee, assign, agent, or other representative serving as a member of the board. Notwithstanding subsection 1 of this section to the contrary, all members appointed as of August 28, 2017, shall continue to serve the remainder of their terms.

3. The board shall meet at least quarterly at a place and time specified by the chairperson of the board and it shall keep and maintain records of such meetings, as well as the other activities of the board. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the board.

4. The board shall:

- (1) Organize and adopt standards governing the board's formal and informal procedures;
- (2) Provide recommendations for primary answering points and secondary answering points on technical and operational standards for 911 services;
- (3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;
- (4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that the board shall not supersede decision-making authority of local political subdivisions in regard to 911 services;
- (5) Provide assistance to the governor and the general assembly regarding 911 services;
- (6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;
- (7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;
- (8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state, including monitoring federal and industry standards being developed for next-generation 911 systems;
- (9) Designate a state 911 coordinator who shall be responsible for overseeing statewide 911 operations and ensuring compliance with federal grants for 911 funding;
- (10) Elect the chair from its membership;
- (11) Apply for and receive grants from federal, private, and other sources;
- (12) Report to the governor and the general assembly at least every three years on the status of 911 services statewide, as well as specific efforts to improve efficiency, cost-effectiveness, and levels of service;
- (13) Conduct and review an annual survey of public safety answering points in Missouri to evaluate potential for improved services, coordination, and feasibility of consolidation;
- (14) Make and execute contracts or any other instruments and agreements necessary or convenient for the exercise of its powers and functions, including for the development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;
- (15) Develop a plan and timeline of target dates for the testing, implementation, and operation of a next-generation 911 system throughout Missouri. The next-generation 911 system shall allow for the processing of electronic messages including, but not limited to, electronic messages containing text, images, video, or data;
- (16) Administer and authorize grants and loans under section 650.335 to those counties and any home rule city with more than fifteen thousand but fewer than seventeen thousand inhabitants and partially located in any county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants that can demonstrate a financial commitment to improving 911 services by providing at least a fifty percent match and demonstrate the ability to operate and maintain ongoing 911 services. The purpose of grants and loans from the 911 service trust fund shall include:
 - (a) Implementation of 911 services in counties of the state where services do not exist or to improve existing 911 systems;
 - (b) Promotion of consolidation where appropriate;
 - (c) Mapping and addressing all county locations;
 - (d) Ensuring primary access and texting abilities to 911 services for disabled residents;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

(e) Implementation of initial emergency medical dispatch services, including prearrival medical instructions in counties where those services are not offered as of July 1, 2019; and

(f) Development and implementation of an emergency services internet protocol network that can be shared by all public safety agencies;

(17) Develop an application process including reporting and accountability requirements, withholding a portion of the grant until completion of a project, and other measures to ensure funds are used in accordance with the law and purpose of the grant, and conduct audits as deemed necessary;

(18) Set the percentage rate of the prepaid wireless emergency telephone service charges to be remitted to a county or city as provided under subdivision (5) of subsection 3 of section 190.460;

(19) Retain in its records proposed county plans developed under subsection 11 of section 190.455 and notify the department of revenue that the county has filed a plan that is ready for implementation;

(20) Notify any communications service provider, as defined in section 190.400, that has voluntarily submitted its contact information when any update is made to the centralized database established under section 190.475 as a result of a county or city establishing or modifying a tax or monthly fee no less than ninety days prior to the effective date of the establishment or modification of the tax or monthly fee;

(21) Establish criteria for consolidation prioritization of public safety answering points;

(22) In coordination with existing public safety answering points, by December 31, 2018, designate no more than eleven regional 911 coordination centers which shall coordinate statewide interoperability among public safety answering points within their region through the use of a statewide 911 emergency services network; and

(23) Establish an annual budget, retain records of all revenue and expenditures made, retain minutes of all meetings and subcommittees, post records, minutes, and reports on the board's webpage on the department of public safety website; and

(24) Promote and educate the public about the critical role of telecommunicator first responders in protecting the public and ensuring public safety.

5. The department of public safety shall provide staff assistance to the board as necessary in order for the board to perform its duties pursuant to sections 650.320 to 650.340. The board shall have the authority to hire consultants to administer the provisions of sections 650.320 to 650.340.

6. The board shall promulgate rules and regulations that are reasonable and necessary to implement and administer the provisions of sections 190.455, 190.460, 190.465, 190.470, 190.475, and sections 650.320 to 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

650.340. 911 TRAINING AND STANDARDS — REQUIREMENTS. — 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for [telecommunicators] telecommunicator first responders who answer 911 calls that come to public safety answering points shall be as follows:

- (1) Police telecommunicator first responder, 16 hours;
- (2) Fire telecommunicator first responder, 16 hours;
- (3) Emergency medical services telecommunicator first responder, 16 hours;
- (4) Joint communication center telecommunicator first responder, 40 hours.

3. All persons employed as a telecommunicator first responder in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator first

responder. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section.

4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to complete the training requirement as provided in subsection 2 of this section. Any person hired as a telecommunicator or a telecommunicator first responder after August 28, 1999, shall complete the training requirements as provided in subsection 2 of this section within twelve months of the date such person is employed as a telecommunicator or telecommunicator first responder.

5. The training requirements as provided in subsection 2 of this section shall be waived for any person who furnishes proof to the committee that such person has completed training in another state which is at least as stringent as the training requirements of subsection 2 of this section.

6. The board shall determine by administrative rule the persons or organizations authorized to conduct the training as required by subsection 2 of this section.

7. [This section shall not apply to an emergency medical dispatcher or agency as defined in section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a person who provides prearrival medical instructions who works for an agency which meets the requirements set forth in section 190.134.] The board shall be responsible for the approval of training courses for emergency medical dispatchers. The board shall develop necessary rules and regulations in collaboration with the state EMS medical director's advisory committee, as described in section 190.103, which may provide recommendations relating to the medical aspects of prearrival medical instructions.

8. A dispatch agency is required to have a memorandum of understanding with all ambulance services that it dispatches. If a dispatch agency provides prearrival medical instructions, it is required to have a medical director whose duties include the maintenance of standards and approval of protocols or guidelines.

SECTION 1. EXONEREE DEFINED — IDENTIFICATION DOCUMENTS, DEPARTMENT POLICY AND PROCEDURES TO ASSIST EXONEREES IN OBTAINING. — 1. For purposes of this section, the term "exoneree" means a person who was convicted of an offense and the conviction was later overturned, vacated, or set aside, or the person was relieved of all legal consequences of the conviction because evidence of innocence that was not presented at trial required reconsideration of the case.

2. (1) The department of corrections shall develop a policy and procedures to assist exonerees in obtaining a birth certificate, Social Security card, and state identification prior to release from a correctional center. The policy shall be made available to all exonerees, regardless of the method by which an exoneree was exonerated. If an exoneree does not have access to his or her birth certificate, Social Security card, or state identification upon release, the department shall assist such exoneree in obtaining the documents prior to release.

(2) A delay in obtaining the documents in subdivision (1) of this subsection shall not be cause for a delay in the exoneree's release from a correctional center.

3. The department may provide an exoneree, upon his or her release from a correctional facility, with the same services the department may provide an offender upon release from a correctional facility or an offender who is on probation or parole.

[190.134. DISPATCH AGENCY, REQUIREMENTS. — A dispatch agency is required to have a memorandum of understanding with all ambulance services that it dispatches. If a dispatch agency provides prearrival medical instructions, it is required to have a medical director, whose duties include the maintenance of standards and protocol approval.]

Approved July 6, 2023

SS SB 190

Enacts provisions relating to tax relief for seniors.

AN ACT to repeal sections 143.124 and 143.125, RSMo, and to enact in lieu thereof three new sections relating to tax relief for seniors.

SECTION

A Enacting clause.

137.1050 Homestead property tax credit — definitions — credit amount — ordinance or referendum, ballot language.

143.124 Annuities, pensions, retirement benefits, or retirement allowances provided by state, United States, political subdivisions or any other state, Keogh plans, annuities from defined pension plans and IRAs, amounts subtracted from Missouri adjusted gross income.

143.125 Social Security benefits income tax exemption — amount — rulemaking authority.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 143.124 and 143.125, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 137.1050, 143.124, and 143.125, to read as follows:

137.1050. HOMESTEAD PROPERTY TAX CREDIT — DEFINITIONS — CREDIT AMOUNT — ORDINANCE OR REFERENDUM, BALLOT LANGUAGE. — 1. For the purposes of this section, the following terms shall mean:

(1) "Eligible credit amount", the difference between an eligible taxpayer's real property tax liability on such taxpayer's homestead for a given tax year, minus the real property tax liability on such homestead in the year that the taxpayer became an eligible taxpayer;

(2) "Eligible taxpayer", a Missouri resident who:

(a) Is eligible for Social Security retirement benefits;

(b) Is an owner of record of a homestead or has a legal or equitable interest in such property as evidenced by a written instrument; and

(c) Is liable for the payment of real property taxes on such homestead;

(3) "Homestead", real property actually occupied by an eligible taxpayer as the primary residence. An eligible taxpayer shall not claim more than one primary residence.

2. Any county authorized to impose a property tax may grant a property tax credit to eligible taxpayers residing in such county in an amount equal to the taxpayer's eligible credit amount, provided that:

(1) Such county adopts an ordinance authorizing such credit; or

(2) (a) A petition in support of a referendum on such a credit is signed by at least five percent of the registered voters of such county voting in the last gubernatorial election and the petition is delivered to the governing body of the county, which shall subsequently hold a referendum on such credit.

(b) The ballot of submission for the question submitted to the voters pursuant to paragraph (a) of this subdivision shall be in substantially the following form:

Shall the County of _____ exempt senior citizens from increases in the property tax liability due on such seniors citizens' primary residence?

☐ YES

☐ NO

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the credit shall be in effect.

3. A county granting an exemption pursuant to this section shall apply such exemption when calculating the eligible taxpayer's property tax liability for the tax year. The amount of the credit shall be noted on the statement of tax due sent to the eligible taxpayer by the county collector.

4. For the purposes of calculating property tax levies pursuant to section 137.073, the total amount of credits authorized by a county pursuant to this section shall be considered tax revenue, as such term is defined in section 137.073, actually received by the county.

143.124. ANNUITIES, PENSIONS, RETIREMENT BENEFITS, OR RETIREMENT ALLOWANCES PROVIDED BY STATE, UNITED STATES, POLITICAL SUBDIVISIONS OR ANY OTHER STATE, KEOGH PLANS, ANNUITIES FROM DEFINED PENSION PLANS AND IRAS, AMOUNTS SUBTRACTED FROM MISSOURI ADJUSTED GROSS INCOME. — 1. Other provisions of law to the contrary notwithstanding, for tax years ending on or before December 31, 2006, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, "annuity, pension, retirement benefit, or retirement allowance" shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include 401(k) plans, deferred compensation plans, self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, but not including Roth IRAs, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. An individual taxpayer shall only be allowed a maximum deduction equal to the amounts provided under this section for each taxpayer on the combined return.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, but ending on or before December 31, 2006, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first one thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and a maximum of the first three thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and a maximum of the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001,

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Matter underscored is proposed language.

and a maximum of the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and a maximum of the first six thousand dollars of any retirement allowance received from any privately funded sources for tax years beginning on or after January 1, 2002. A taxpayer shall be entitled to the maximum exemption provided by this subsection:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

4. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 of this section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the maximum exemption provided in subsection 3 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

5. For purposes of this subsection, the term "maximum Social Security benefit available" shall mean thirty-two thousand five hundred dollars for the tax year beginning on or after January 1, 2007, and for each subsequent tax year such amount shall be increased by the percentage increase in the Consumer Price Index for All Urban Consumers, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. For the tax year beginning on or after January 1, 2007, but ending on or before December 31, 2007, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or twenty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2008, but ending on or before December 31, 2008, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or thirty-five percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2009, but ending on or before December 31, 2009, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or fifty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2010, but ending on or before December 31, 2010, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or sixty-five percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For the tax year beginning on or after January 1, 2011, but ending on or before December 31, 2011, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in

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Matter underscored is proposed language.

retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or eighty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For all tax years beginning on or after January 1, 2012, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to one hundred percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For all tax years beginning on or before December 31, 2023, a taxpayer shall be entitled to the maximum exemption provided by this subsection:

- (1) If the taxpayer's filing status is married filing combined, and their combined Missouri adjusted gross income is equal to or less than one hundred thousand dollars; or
- (2) If the taxpayer's filing status is single, head of household, qualifying widow(er), or married filing separately, and the taxpayer's Missouri adjusted gross income is equal to or less than eighty-five thousand dollars.

For all tax years beginning on or after January 1, 2024, a taxpayer shall be entitled to the maximum exemption provided by this subsection regardless of the taxpayer's filing status or the amount of the taxpayer's Missouri adjusted gross income.

6. For all tax years beginning on or before December 31, 2023, if a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1) and (2) of subsection 5 of this section, such taxpayer shall be entitled to an exemption, less any applicable reduction provided under subsection 7 of this section, equal to the greater of zero or the maximum exemption provided in subsection 5 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

7. For purposes of calculating the subtraction provided in subsection 5 of this section, such subtraction shall be decreased by an amount equal to any Social Security benefit exemption provided under section 143.125.

8. For purposes of this section, any Social Security benefits otherwise included in Missouri adjusted gross income shall be subtracted; but Social Security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.

9. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of Social Security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of Social Security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

10. The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter but subject to taxation under Internal Revenue Code Section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

11. For purposes of this section, retirement benefits received shall not include any withdrawals from qualified retirement plans which are subsequently rolled over into another retirement plan.

12. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035.

13. The exemptions provided for in this section shall apply to any annuity, pension, or retirement allowance as defined in subsection 1 of this section to the extent that such amounts are included in the taxpayer's federal adjusted gross income and not otherwise deducted from the taxpayer's federal

adjusted gross income in the calculation of Missouri taxable income. This subsection shall not apply to any individual who qualifies under federal guidelines to be one hundred percent disabled.

143.125. SOCIAL SECURITY BENEFITS INCOME TAX EXEMPTION — AMOUNT — RULEMAKING AUTHORITY.— 1. As used in this section, the following terms mean: (1) "Benefits", any Social Security benefits received by a taxpayer age sixty-two years of age and older, or Social Security disability benefits; (2) "Taxpayer", any resident individual.

2. For the taxable year beginning on or after January 1, 2007, any taxpayer shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income a maximum of an amount equal to twenty percent of the amount of any benefits received by the taxpayer and that are included in federal adjusted gross income under Section 86 of the Internal Revenue Code of 1986, as amended. For the taxable year beginning on or after January 1, 2008, any taxpayer shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income a maximum of an amount equal to thirty-five percent of the amount of any benefits received by the taxpayer and that are included in federal adjusted gross income under Section 86 of the Internal Revenue Code of 1986, as amended. For the taxable year beginning on or after January 1, 2009, any taxpayer shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income a maximum of an amount equal to fifty percent of the amount of any benefits received by the taxpayer and that are included in federal adjusted gross income under Section 86 of the Internal Revenue Code of 1986, as amended. For the taxable year beginning on or after January 1, 2010, any taxpayer shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income a maximum of an amount equal to sixty-five percent of the amount of any benefits received by the taxpayer and that are included in federal adjusted gross income under Section 86 of the Internal Revenue Code of 1986, as amended. For the taxable year beginning on or after January 1, 2011, any taxpayer shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income a maximum of an amount equal to eighty percent of the amount of any benefits received by the taxpayer and that are included in federal adjusted gross income under Section 86 of the Internal Revenue Code of 1986, as amended. For all taxable years beginning on or after January 1, 2012, any taxpayer shall be allowed to subtract from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income a maximum of an amount equal to one hundred percent of the amount of any benefits received by the taxpayer and that are included in federal adjusted gross income under Section 86 of the Internal Revenue Code of 1986, as amended. For all tax years beginning on or before December 31, 2023, a taxpayer shall be entitled to the maximum exemption provided by this subsection:

(1) If the taxpayer's filing status is married filing combined, and their combined Missouri adjusted gross income is equal to or less than one hundred thousand dollars; or

(2) If the taxpayer's filing status is single, head of household, qualifying widow(er), or married filing separately, and the taxpayer's Missouri adjusted gross income is equal to or less than eighty-five thousand dollars.

For all tax years beginning on or after January 1, 2024, a taxpayer shall be entitled to the maximum exemption provided by this subsection regardless of the taxpayer's filing status or the amount of the taxpayer's Missouri adjusted gross income.

3. For all tax years beginning on or before December 31, 2023, if a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1) and (2) of subsection 2 of this section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the maximum exemption provided in subsection 2 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

4. The director of the department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

Approved July 6, 2023

SS SB 227

Enacts provisions relating to the culpable mental state necessary for a homicide offense.

AN ACT to repeal section 565.003, RSMo, and to enact in lieu thereof one new section relating to the culpable mental state necessary for a homicide offense.

SECTION

A Enacting clause.

565.003 Culpable mental state may exist though different person killed — transfer of intent, when — time between act and death no defense.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 565.003, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 565.003, to read as follows:

565.003. CULPABLE MENTAL STATE MAY EXIST THOUGH DIFFERENT PERSON KILLED — TRANSFER OF INTENT, WHEN — TIME BETWEEN ACT AND DEATH NO DEFENSE. — 1. (1) The culpable mental state necessary for a homicide offense may be found to exist if the only difference between what actually occurred and what was the object of the offender's state of mind is that a different person or persons were killed.

(2) It shall not be a defense to a homicide charge that the identity of the person the offender intended to kill cannot be established. If the state proves beyond a reasonable doubt that the offender had the requisite mental state toward a specific person or a general class of persons who are not identified or who are not identifiable, such intent shall be transferred to a person who is killed by the offender while such mental state existed.

2. The length of time which transpires between conduct which results in a death and is the basis of a homicide offense and the event of such death is no defense to any charge of homicide.

Approved July 6, 2023

HCS SS SCS SB 398

Enacts provisions relating to motor vehicles, with penalty provisions.

AN ACT to repeal sections 144.020, 144.070, 304.820, 407.812, and 407.828, RSMo, and to enact in lieu thereof twenty-five new sections relating to motor vehicles, with penalty provisions.

SECTION

- A Enacting clause.
- 144.020 Rate of tax — tickets, notice of sales tax.
- 144.070 Purchase or lease of motor vehicles, trailers, boats and outboard motors, tax on — official certificate issued — application to act as leasing company, requirements — operation as registered fleet owner, when — motor vehicle dealers, application to collect and remit tax — collection and remittance of tax in new system, when, rulemaking.
- 303.420 Definitions.
- 303.422 Fund created, use of moneys.
- 303.425 Incentive program created — use of third-party vendors — comparison of registration and financial responsibility information — use of data — access to system — suspension of registration, when, procedure — report — rulemaking authority.
- 303.430 Verification of financial responsibility, web-based system established — requirements — advisory council — rulemaking authority.
- 303.440 Operational date for verification system — testing or pilot period.
- 304.822 Electronic communication device, use of while driving prohibited, when — citation of law — definitions — school bus operations, prohibited acts — inapplicability, when — penalties for violations — search of device, right to decline — preemption.
- 407.812 Compliance with act required — applicability of act — engaging in business of selling motor vehicles, entities prohibited from, exception.
- 407.828 Franchisor's duties to franchisee — schedule of compensation — claims payment — retail rate calculation — audit authority — complaint procedure.
- 407.2020 Definitions.
- 407.2025 Products, offered, sold or given, when — charges for, separately stated — extension of credit.
- 407.2030 Definitions.
- 407.2035 Debt waiver obligations, insuring of by retail sellers and creditors, requirements.
- 407.2040 Debt waiver insurance policies, requirements and coverage.
- 407.2045 Debt waiver disclosure requirements.
- 407.2050 Debt waiver cancellation — free-look period — default.
- 407.2055 Debt waivers exempt, when.
- 407.2060 Definitions.
- 407.2065 Administration of agreements, use of administrator or designee — sale of agreements — obligations to contract holders, requirements.
- 407.2070 Agreement disclosures.
- 407.2075 Inapplicability to commercial transactions.
- 407.2080 Enforcement by attorney general.
- 407.2085 Products not considered insurance, when.
- 407.2090 Applicability, when.
- 304.820 Text messaging and using a hand-held mobile device while operating a motor vehicle prohibited, when — exceptions — definitions — violation, penalty.

Be it enacted by the General Assembly of the State of Missouri, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter underscored is proposed language.

SECTION A. ENACTING CLAUSE. — Sections 144.020, 144.070, 304.820, 407.812, and 407.828, RSMo, are repealed and twenty-five new sections enacted in lieu thereof, to be known as sections 144.020, 144.070, 303.420, 303.422, 303.425, 303.430, 303.440, 304.822, 407.812, 407.828, 407.2020, 407.2025, 407.2030, 407.2035, 407.2040, 407.2045, 407.2050, 407.2055, 407.2060, 407.2065, 407.2070, 407.2075, 407.2080, 407.2085, and 407.2090, to read as follows:

144.020. RATE OF TAX — TICKETS, NOTICE OF SALES TAX. — 1. A tax is hereby levied and imposed for the privilege of titling new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be titled under the laws of the state of Missouri and, except as provided in subdivision (9) of this subsection, upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, excluding motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats and outboard motors required to be titled under the laws of the state of Missouri and subject to tax under subdivision (9) of this subsection, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events, except amounts paid for any instructional class;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) (a) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(b) If local and long distance telecommunications services subject to tax under this subdivision are aggregated with and not separately stated from charges for telecommunications service or other services not subject to tax under this subdivision, including, but not limited to, interstate or international telecommunications services, then the charges for nontaxable services may be subject to taxation unless the telecommunications provider can identify by reasonable and verifiable standards such portion of the charges not subject to such tax from its books and records that are kept in the regular course of business, including, but not limited to, financial statement, general ledgers, invoice and billing systems and reports, and reports for regulatory tariffs and other regulatory matters;

(c) A telecommunications provider shall notify the director of revenue of its intention to utilize the standards described in paragraph (b) of this subdivision to determine the charges that are subject to sales tax under this subdivision. Such notification shall be in writing and shall meet standardized criteria established by the department regarding the form and format of such notice;

(d) The director of revenue may promulgate and enforce reasonable rules and regulations for the administration and enforcement of the provisions of this subdivision. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to

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Matter underscored is proposed language.

disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public. The tax imposed under this subdivision shall not apply to any automatic mandatory gratuity for a large group imposed by a restaurant when such gratuity is reported as employee tip income and the restaurant withholds income tax under section 143.191 on such gratuity;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of sale at retail or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase, rental or lease of motor vehicles, trailers, motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and the tax paid as provided in this section and section 144.070. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the purchase price, as defined in section 144.070, of new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. This tax is imposed on the person titling such property, and shall be paid according to the procedures in section 144.070 or 144.440.

2. All tickets sold which are sold under the provisions of this chapter which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

144.070. PURCHASE OR LEASE OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS, TAX ON — OFFICIAL CERTIFICATE ISSUED — APPLICATION TO ACT AS LEASING COMPANY, REQUIREMENTS — OPERATION AS REGISTERED FLEET OWNER, WHEN — MOTOR VEHICLE DEALERS, APPLICATION TO COLLECT AND REMIT TAX — COLLECTION AND REMITTANCE OF TAX IN NEW SYSTEM, WHEN, RULEMAKING. — 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the

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applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing or rental company and pay an annual fee of two hundred fifty dollars for such authority. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

6. Every applicant to be a registered fleet owner as described in subsections 6 to 10 of section 301.032 shall furnish with the application to operate as a registered fleet owner a corporate surety bond or irrevocable letter of credit, as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of one hundred thousand dollars, on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the registered fleet owner complying with the provisions of any statutes applicable to registered fleet owners, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the registered fleet owner license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except that, the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.

7. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;

(4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and

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(5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

8. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

9. Any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, and that has applied to the director of revenue for authority to operate as a leasing company may also operate as a registered fleet owner as prescribed in section 301.032.

10. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers **[may]** shall apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

11. (1) Every motor vehicle dealer licensed under section 301.560, as soon as technologically possible following the development and maintenance of a modernized, integrated system for the titling of vehicles, issuance and renewal of vehicle registrations, issuance and renewal of driver's licenses and identification cards, and perfection and release of liens and encumbrances on vehicles, to be funded by the motor vehicle administration technology fund as created in section 301.558, shall collect and remit the sales tax required under this section on all motor vehicles that such dealer sells. In collecting and remitting this sales tax, motor vehicle dealers shall be subject to all applicable provisions under sections 144.010 to 144.527.

(2) The director of revenue may promulgate all necessary rules and regulations for the administration of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this subsection shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This subsection and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

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303.420. DEFINITIONS. — As used in sections 303.420 to 303.440, unless the context requires otherwise, the following terms shall mean:

(1) "Program", the motor vehicle financial responsibility enforcement and compliance incentive program established under section 303.425;

(2) "Qualified agency", the department of revenue, the Missouri state highway patrol, the prosecuting attorney or sheriff's office of any county or city not within a county, the chiefs of police of any city or municipality, or any other authorized law enforcement agency recognized by the state;

(3) "System" or "verification system", the web-based resource established under section 303.430 for online verification of motor vehicle financial responsibility.

303.422. FUND CREATED, USE OF MONEYS. — 1. There is hereby created in the state treasury the "Motor Vehicle Financial Responsibility Verification and Enforcement Fund", which shall consist of money received by the department of revenue under sections 303.420 to 303.440. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of revenue for the administration of sections 303.420 to 303.440.

2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

303.425. INCENTIVE PROGRAM CREATED — USE OF THIRD-PARTY VENDORS — COMPARISON OF REGISTRATION AND FINANCIAL RESPONSIBILITY INFORMATION — USE OF DATA — ACCESS TO SYSTEM — SUSPENSION OF REGISTRATION, WHEN, PROCEDURE — REPORT — RULEMAKING AUTHORITY. — 1. (1) There is hereby created within the department of revenue the motor vehicle financial responsibility enforcement and compliance incentive program. The department of revenue may enter into contractual agreements with third-party vendors to facilitate the necessary technology and equipment, maintenance thereof, and associated program management services.

(2) The department of revenue or a third-party vendor shall utilize technology to compare vehicle registration information with the financial responsibility information accessible through the system. The department of revenue shall utilize this information to identify motorists who are in violation of the motor vehicle financial responsibility law. The department of revenue may offer offenders under this program the option of pretrial diversion as an alternative to statutory fines or reinstatement fees prescribed under the motor vehicle financial responsibility law as a method of encouraging compliance and discouraging recidivism.

(3) The department of revenue or third-party vendors shall not use any data collected from or technology associated with any automated motor vehicle financial responsibility enforcement system. For purposes of this subdivision, "motor vehicle financial responsibility enforcement system" means a device consisting of a camera or cameras and vehicle sensor or sensors installed to record motor vehicle financial responsibility violations.

(4) All fees paid to or collected by third-party vendors under sections 303.420 to 303.440 may come from violator diversion fees generated by the pretrial diversion option established under this section.

2. The department of revenue may authorize law enforcement agencies or third-party vendors to use technology to collect data for the investigation, detection, analysis, and enforcement of the motor vehicle financial responsibility law.

3. The department of revenue may authorize traffic enforcement officers, or third-party vendors to administer the processing and issuance of notices of violation, the collection of fees for a violation of the motor vehicle financial responsibility law, or the referral of cases for prosecution, under the program.

4. Access to the system shall be restricted to qualified agencies and the third-party vendors with which the department of revenue contracts for purposes of the program, provided that any third-party vendor with which a contract is executed to provide necessary technology, equipment, or maintenance for the program shall be authorized as necessary to collaborate for required updates and maintenance of system software.

5. For purposes of the program, any data collected and matched to a corresponding vehicle insurance record as verified through the system, and any Missouri vehicle registration database, may be used to identify violations of the motor vehicle financial responsibility law. Such corresponding data shall constitute evidence of the violations.

6. Except as otherwise provided in this section, the department of revenue shall suspend, in accordance with section 303.041, the registration of any motor vehicle that is determined under the program to be in violation of the motor vehicle financial responsibility law.

7. The department of revenue shall send to an owner whose vehicle is identified under the program as being in violation of the motor vehicle financial responsibility law a notice that the vehicle's registration may be suspended unless the owner, within thirty days, provides proof of financial responsibility for the vehicle or proof, in a form specified by the department of revenue, that the owner has a pending criminal charge for a violation of the motor vehicle financial responsibility law. The notice shall include information on steps an individual may take to obtain proof of financial responsibility and a web address to a page on the department of revenue's website where information on obtaining proof of financial responsibility shall be provided. If proof of financial responsibility or a pending criminal charge is not provided within the time allotted, the department of revenue shall provide a notice of suspension and suspend the vehicle's registration in accordance with section 303.041, or shall send a notice of vehicle registration suspension, clearly specifying the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the vehicle owner to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made, as well as informing the owner that the matter will be referred for prosecution if a satisfactory response is not received in the time allotted, informing the owner that the minimum penalty for the violation is three hundred dollars and four license points, and offering the owner participation in a pretrial diversion option to preclude referral for prosecution and registration suspension under sections 303.420 to 303.440. The notice of vehicle registration suspension shall give a period of thirty-three days from mailing for the vehicle owner to respond, and shall be deemed received three days after mailing. If no request for a hearing or agreement to participate in the diversion option is received by the department of revenue prior to the date provided on the notice of vehicle registration suspension, the director shall suspend the vehicle's registration, effective immediately, and refer the case to the appropriate prosecuting attorney. If an agreement by the vehicle owner to participate in the diversion option is received by the department of revenue prior to the effective date provided on the notice of vehicle registration suspension, then upon payment of a diversion participation fee not to exceed two hundred dollars, agreement to secure proof of financial responsibility within the time provided on the notice of suspension, and agreement that such financial responsibility shall be maintained for a minimum of two years, no points shall be assessed to the vehicle owner's driver's license under section 302.302 and the department of revenue shall not take further action against the vehicle owner under sections 303.420 to 303.440, subject to compliance with the terms of the pretrial diversion option. The department of revenue shall suspend the vehicle registration of, and shall refer the case to the appropriate prosecuting attorney for prosecution of, participating vehicle owners who violate the terms of the pretrial diversion option. If a request for hearing is received by the department of revenue prior to the effective date provided on the notice of vehicle registration suspension, then for all purposes other than eligibility

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for participation in the diversion option, the effective date of the suspension shall be stayed until a final order is issued following the hearing. The department of revenue shall suspend the registration of vehicles determined under the final order to have violated the motor vehicle financial responsibility law, and shall refer the case to the appropriate prosecuting attorney for prosecution. Notices under this subsection shall be mailed to the vehicle owner at the last known address shown on the department of revenue's records. The department of revenue or its third-party vendor shall issue receipts for the collection of diversion participation fees. Except as otherwise provided in subsection 1 of this section, all such fees shall be deposited into the motor vehicle financial responsibility verification and enforcement fund established in section 303.422. A vehicle owner whose registration has been suspended under sections 303.420 to 303.440 may obtain reinstatement of the registration upon providing proof of financial responsibility and payment to the department of revenue of a nonrefundable reinstatement fee equal to the fee that would be applicable under subsection 2 of section 303.042 if the registration had been suspended under section 303.041.

8. Data collected or retained under the program shall not be used by any entity for purposes other than enforcement of the motor vehicle financial responsibility law. Data collected and stored by law enforcement under the program shall be considered evidence if noncompliance with the motor vehicle financial responsibility law is confirmed. The evidence, and an affidavit stating that the evidence and system have identified a particular vehicle as being in violation of the motor vehicle financial responsibility law, shall constitute probable cause for prosecution and shall be forwarded in accordance with subsection 7 of this section to the appropriate prosecuting attorney.

9. Owners of vehicles identified under the program as being in violation of the motor vehicle financial responsibility law shall be provided with options for disputing such claims which do not require appearance at any state or local court of law, or administrative facility. Any person who presents timely proof that he or she was in compliance with the motor vehicle financial responsibility law at the time of the alleged violation shall be entitled to dismissal of the charge with no assessment of fees or fines. Proof provided by a vehicle owner to the department of revenue that the vehicle was in compliance at the time of the suspected violation of the motor vehicle financial responsibility law shall be recorded in the system established by the department of revenue under section 303.430.

10. The collection of data pursuant to this section shall be done in a manner that prohibits any bias towards a specific community, race, gender, or socioeconomic status of vehicle owner.

11. Law enforcement agencies, third-party vendors, or other entities authorized to operate under the program shall not sell data collected or retained under the program for any purpose or share it for any purpose not expressly authorized in this section. All data shall be secured and any third-party vendor or other entity authorized to operate under the program may be liable for any data security breach.

12. The department of revenue shall not take action under sections 303.420 to 303.440 against vehicles registered as fleet vehicles under section 301.032, or against vehicles known to the department of revenue to be insured under a policy of commercial auto coverage, as such term is defined in subdivision (10) of subsection 2 of section 303.430.

13. Following one year after the implementation of the program, and every year thereafter, the department of revenue shall provide a report to the president pro tempore of the senate, the speaker of the house of representatives, the chairs of the house and senate committees with jurisdictions over insurance or transportation matters, and the chairs of the house budget and senate appropriations committees. The report shall include an evaluation of program operations, information as to the costs of the program incurred by the department of revenue, insurers, and the public, information as to the effectiveness of the program in reducing the number of uninsured motor vehicles, and anonymized demographic information including the race and zip code of vehicle owners identified under the program as being in violation of the motor vehicle financial responsibility law, and may include any additional information and recommendations for improvement of the program deemed appropriate by

the department of revenue. The department of revenue may, by rule, require the state, counties, and municipalities to provide information in order to complete the report.

14. The department of revenue may promulgate rules as necessary for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

303.430. VERIFICATION OF FINANCIAL RESPONSIBILITY, WEB-BASED SYSTEM ESTABLISHED — REQUIREMENTS — ADVISORY COUNCIL — RULEMAKING AUTHORITY. — 1. The department of revenue shall establish and maintain a web-based system for the verification of motor vehicle financial responsibility, shall provide access to insurance reporting data and vehicle registration and financial responsibility data, and shall require motor vehicle insurers to establish functionality for the verification system, as provided in sections 303.420 to 303.440. The verification system, including any exceptions as provided for in sections 303.420 to 303.440 or in the implementation guide developed to support the program, shall supersede any existing verification system, and shall be the sole system used for the purpose of verifying financial responsibility required under this chapter.

2. The system established pursuant to subsection 1 of this section shall be subject to the following:

(1) The verification system shall transmit requests to insurers for verification of motor vehicle insurance coverage via web services established by the insurers through the internet in compliance with the specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration, or "IICMVA". Insurance company systems shall respond to each request with a prescribed response upon evaluation of the data provided in the request. The system shall include appropriate protections to secure its data against unauthorized access, and the department of revenue shall maintain a historical record of the system data for a period of no more than twelve months from the date of all requests and responses. The system shall be used for verification of the financial responsibility required under this chapter. The system shall be accessible to authorized personnel of the department of revenue, the courts, law enforcement personnel, and other entities authorized by the state as permitted by state or federal privacy laws, and it shall be interfaced, wherever appropriate, with existing state systems. The system shall include information enabling the department of revenue to submit inquiries to insurers regarding motor vehicle insurance which are consistent with insurance industry and IICMVA recommendations, specifications, and standards by using the following data elements for greater matching accuracy: insurer National Association of Insurance Commissioners, or "NAIC", company code; vehicle identification number; policy number; verification date; or as otherwise described in the specifications and standards of the IICMVA. The department of revenue shall promulgate rules to offer insurers who insure one thousand or fewer vehicles within this state an alternative method for verifying motor vehicle insurance coverage in lieu of web services, and to provide for the verification of financial responsibility when financial responsibility is proven to the department to be maintained by means other than a policy of motor vehicle insurance. Insurers shall not be required to verify insurance coverage for vehicles registered in other jurisdictions;

(2) The verification system shall respond to each request within a time period established by the department of revenue. An insurer's system shall respond within the time period prescribed by the IICMVA's specifications and standards. Insurer systems shall be permitted reasonable system downtime for maintenance and other work with advance notice to the department of revenue. Insurers shall not be subject to enforcement fees or other sanctions under such circumstances, or when systems

are not available because of emergency, outside attack, or other unexpected outages not planned by the insurer and reasonably outside its control;

(3) The system shall assist in identifying violations of the motor vehicle financial responsibility law in the most effective way possible. Responses to individual insurance verification requests shall have no bearing on whether insurance coverage is determined to be in force at the time of a claim. Claims shall be individually investigated to determine the existence of coverage. Nothing in sections 303.420 to 303.440 shall prohibit the department of revenue from contracting with a third-party vendor or vendors who have successfully implemented similar systems in other states to assist in establishing and maintaining this verification system;

(4) The department of revenue shall consult with representatives of the insurance industry and may consult with third-party vendors to determine the objectives, details, and deadlines related to the system by establishment of an advisory council. The advisory council shall consist of voting members comprised of:

(a) The director of the department of commerce and insurance, or his or her designee, who shall serve as chair;

(b) Two representatives of the department of revenue, to be appointed by the director of the department of revenue;

(c) One representative of the department of commerce and insurance, to be appointed by the director of the department of commerce and insurance;

(d) Three representatives of insurance companies, to be appointed by the director of the department of commerce and insurance;

(e) One representative from the Missouri Insurance Coalition;

(f) One representative chosen by the National Association of Mutual Insurance Companies;

(g) One representative chosen by the American Property and Casualty Insurance Association;

(h) One representative chosen by the Missouri Independent Agents Association; and

(i) Such other representatives as may be appointed by the director of the department of commerce and insurance;

(5) The department of revenue shall publish for comment, and then issue, a detailed implementation guide for its online verification system;

(6) The department of revenue and its third-party vendors, if any, shall each maintain a contact person for insurers during the establishment, implementation, and operation of the system;

(7) If the department of revenue has reason to believe a vehicle owner does not maintain financial responsibility as required under this chapter, it may also request an insurer to verify the existence of such financial responsibility in a form approved by the department of revenue. In addition, insurers shall cooperate with the department of revenue in establishing and maintaining the verification system established under this section, and shall provide motor vehicle insurance policy status information as provided in the rules promulgated by the department of revenue;

(8) Every property and casualty insurance company licensed to issue motor vehicle insurance or authorized to do business in this state shall comply with sections 303.420 to 303.440, and corresponding rules promulgated by the department of revenue, for the verification of such insurance for every vehicle insured by that company in this state;

(9) Insurers shall maintain a historical record of insurance data for a minimum period of six months from the date of policy inception or policy change for the purpose of historical verification inquiries;

(10) For the purposes of this section, "commercial auto coverage" shall mean any coverage provided to an insured, regardless of number of vehicles or entities covered, under a commercial coverage form and rated from a commercial manual approved by the department of commerce and insurance. Sections 303.420 to 303.440 shall not apply to vehicles insured under commercial auto coverage; however, insurers of such vehicles may participate on a voluntary basis, and vehicle owners

may provide proof at or subsequent to the time of vehicle registration that a vehicle is insured under commercial auto coverage, which the department of revenue shall record in the system;

(11) Insurers shall provide commercial or fleet automobile customers with evidence reflecting that the vehicle is insured under a commercial or fleet automobile liability policy. Sufficient evidence shall include an insurance identification card clearly marked with a suitable identifier such as "commercial auto insurance identification card", "fleet auto insurance identification card", or other clear identification that the vehicle is insured under a fleet or commercial policy;

(12) Notwithstanding any provision of sections 303.420 to 303.440, insurers shall be immune from civil and administrative liability for good faith efforts to comply with the terms of sections 303.420 to 303.440;

(13) Nothing in this section shall prohibit an insurer from using the services of a third-party vendor for facilitating the verification system required under sections 303.420 to 303.440.

3. The department of revenue shall promulgate rules as necessary for the implementation of sections 303.420 to 303.440. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

303.440. OPERATIONAL DATE FOR VERIFICATION SYSTEM — TESTING OR PILOT PERIOD.

— The verification system established under section 303.430 shall be installed and fully operational on January 1, 2025, following an appropriate testing or pilot period of not less than nine months. Until the successful completion of the testing or pilot period in the judgment of the director of the department of revenue, no enforcement action shall be taken based on the system, including but not limited to action taken under the program established under section 303.425.

304.822. ELECTRONIC COMMUNICATION DEVICE, USE OF WHILE DRIVING PROHIBITED, WHEN — CITATION OF LAW — DEFINITIONS — SCHOOL BUS OPERATIONS, PROHIBITED ACTS — INAPPLICABILITY, WHEN — PENALTIES FOR VIOLATIONS — SEARCH OF DEVICE, RIGHT TO DECLINE — PREEMPTION. — 1. This section shall be known as the "Siddens Bening Hands Free Law".

2. As used in this section, the following terms shall mean:

(1) "Commercial motor vehicle", the same meaning as is ascribed to such term in section 302.700;

(2) "Electronic communication device", a portable device that is used to initiate, receive, store, or view communication, information, images, or data electronically;

(a) Such term shall include but not be limited to: cellular telephones; portable telephones; text-messaging devices; personal digital assistants; pagers; broadband personal communication devices; electronic devices with mobile data access; computers, including but not limited to tablets, laptops, notebook computers, and electronic or video game systems; devices capable of transmitting, retrieving, or displaying a video, movie, broadcast television image, or visual image; and any substantially similar device that is used to initiate or receive communication or store and review information, videos, images, or data;

(b) Such term shall not include: radios; citizens band radios; commercial two-way radio communication devices or their functional equivalent; subscription-based emergency communication devices; prescribed medical devices; amateur or ham radio devices; or global positioning system receivers, security, navigation, communication, or remote diagnostics systems permanently affixed to the vehicle;

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Matter underscored is proposed language.

(3) "Highway", the same meaning as is ascribed to such term in section 302.010;

(4) "Noncommercial motor vehicle", the same meaning as is ascribed to such term in section 302.700;

(5) "Operating", the actual physical control of a vehicle;

(6) "Operator", a person who is in actual physical control;

(7) "School bus", the same meaning as is ascribed to such term in section 302.700;

(8) "Voice-operated or hands-free feature or function", a feature or function, whether internally installed or externally attached or connected to an electronic communication device, that allows a person to use an electronic communication device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

3. Except as otherwise provided in this section, while operating a noncommercial motor vehicle or commercial motor vehicle on any highway or property open to the public for vehicular traffic in this state, no operator shall:

(1) Physically hold or support, with any part of his or her body, an electronic communication device;

(2) Write, send, or read any text-based communication, including but not limited to a text message, instant message, email, or social media interaction on an electronic communication device. This subdivision shall not apply to operators of a noncommercial motor vehicle using a voice-operated or hands-free feature or function that converts the message to be sent as a message in a written form, provided that the operator does not divert his or her attention from lawful operation of the vehicle;

(3) Make any communication on an electronic communication device, including a phone call, voice message, or one-way voice communication; provided however, that this prohibition shall not apply to use of a voice-operated or hands-free feature or function;

(4) Engage in any form of electronic data retrieval or electronic data communication on an electronic communication device;

(5) Manually enter letters, numbers, or symbols into any website, search engine, or application on an electronic communication device;

(6) Watch a video or movie on an electronic communication device, other than watching data related to the navigation of the vehicle; or

(7) Record, post, send, or broadcast video, including a video conference, on an electronic communication device, provided that this prohibition shall not apply to electronic devices used for the sole purpose of continually monitoring operator behavior by recording or broadcasting video within or outside the vehicle.

4. The operator of a school bus shall not use or operate an electronic communication device while the school bus is in motion unless the device is being used in a similar manner as a two-way radio to allow live communication between the operator and school officials or public safety officials. The operator of a school bus shall not use or operate an electronic communication device or a two-way radio while loading or unloading passengers.

5. This section shall not apply to:

(1) Law enforcement officers or operators of emergency vehicles, as such term is defined in section 304.022, who are both using the electronic communication device and operating the emergency vehicle in the performance of their official duties;

(2) Operators using an electronic communication device for the sole purpose of reporting an emergency situation and continuing communication with emergency personnel during the emergency situation;

(3) Operators of noncommercial motor vehicles using an electronic communication device solely through a voice-operated or hands-free feature or function;

(4) Operators of commercial motor vehicles using a voice-operated or hands-free feature or function, as long as the operator remains seated and is restrained by a seat belt as required by law;

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(5) Operators of commercial motor vehicles reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed ten inches tall by ten inches wide in size;

(6) Operators using electronic communication devices while the vehicle is lawfully stopped or parked;

(7) Commercial motor vehicles that are responding to a request for roadside assistance, when such response is conducted by a motor club as defined in section 385.450 or a towing company as defined in section 304.001;

(8) The use of an electronic communication device to relay information between a transit or for-hire vehicle operator and that operator's dispatcher, provided the device is mounted or affixed to the vehicle;

(9) The use of an electronic communication device to access or view a map for navigational purposes;

(10) The use of an electronic communication device to access or listen to an audio broadcast or digital audio recording; or

(11) The use of an electronic communication device to relay information through a transportation network company's digital network to a transportation network company driver, provided the device is mounted or affixed to the vehicle.

6. Except as otherwise provided in this subsection, violation of this section shall be an infraction. Penalties for violations of this section shall be as provided in this subsection. Prior convictions shall be pleaded and proven in the same manner as required under section 558.021.

(1) For a conviction under this section where there is no prior conviction under this section within the preceding twenty-four months, the court shall impose a fine of up to one hundred fifty dollars.

(2) For a conviction under this section where there is one prior conviction under this section within the preceding twenty-four months, the court shall impose a fine of up to two hundred fifty dollars.

(3) For a conviction under this section where there are two or more prior convictions under this section in the preceding twenty-four months, the court shall impose a fine of up to five hundred dollars.

(4) For a conviction under this section where the violation occurred in a work zone when workers are present, as such terms are defined in section 304.580, or for a conviction under this section where the violation occurred in an area designated as a school zone and marked in any way that would alert a reasonably prudent operator to the presence of the school zone, the court shall impose a fine of up to five hundred dollars.

(5) A violation of this section that is the proximate cause of damage to property in excess of five thousand dollars shall be a class D misdemeanor.

(6) A violation of this section that is the proximate cause of serious physical injury to another person shall be a class B misdemeanor.

(7) A violation of this section that is the proximate cause of the death of another person shall be a class D felony.

(8) A violation of this section while operating a commercial motor vehicle shall be deemed a serious traffic violation, as such term is defined in section 302.700, for purposes of commercial driver's license disqualification under section 302.755.

7. A law enforcement officer who stops a noncommercial motor vehicle for a violation of this section shall inform the operator of the operator's right to decline a search of their electronic communication device. No warrant shall be issued to confiscate or access an electronic communication device based on a violation of this section unless the violation results in serious bodily injury or death.

8. A violation of this section shall not be used to establish probable cause for any other violation.

9. The provisions of this section shall be subject to the reporting requirements set forth in section 590.650.

10. The state preempts the field of regulating the use of electronic communication devices by the operators of commercial and noncommercial motor vehicles. The provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of electronic communication devices by the operator of a commercial or noncommercial motor vehicle.

11. Prior to January 1, 2025, a law enforcement officer who stops a noncommercial motor vehicle for a violation of this section shall not issue a citation for a violation of this section and shall only issue a warning.

12. No person shall be stopped, inspected, or detained solely for a violation of this section.

407.812. COMPLIANCE WITH ACT REQUIRED — APPLICABILITY OF ACT — ENGAGING IN BUSINESS OF SELLING MOTOR VEHICLES, ENTITIES PROHIBITED FROM, EXCEPTION. — 1. Any franchisor obtaining or renewing its license after August 28, 2010, shall be bound by the provisions of the MVFP act and shall comply with it, and no franchise agreement made, entered, modified, or renewed after August 28, 2010, shall avoid the requirements of the MVFP act, or violate its provisions, and no franchise agreement shall be performed after the date the franchisor's license is issued or renewed in such a manner that the franchisor avoids or otherwise does not conform or comply with the requirements of the MVFP act. Notwithstanding the effective date of any franchise agreement, all franchisor licenses and renewals thereof are issued subject to all provisions of the MVFP act and chapter 301 and any regulations in effect upon the date of issuance, as well as all future provisions of the MVFP act and chapter 301 and any regulations which may become effective during the term of the license.

2. The provisions of the MVFP act shall apply to each franchise that a franchisor, manufacturer, importer, or distributor has with a franchisee and all agreements between a franchisee and a common entity or any person that is controlled by a franchisor.

3. No dealer or manufacturer licensed in this state under sections 301.550 to 301.573 shall allow any subsidiary or related entity to engage in the business of selling motor vehicles, as defined in section 301.010, to retail consumers in this state, except as otherwise permitted by law. Any dealer or manufacturer licensed in this state shall have standing to enforce the provisions of this subsection provided that a franchise relationship exists between the parties.

4. No entity controlling, controlled by, or sharing a common parent entity or sibling entity with a licensed dealer or manufacturer shall engage in the business of selling motor vehicles to retail consumers in this state, except as permitted by sections 301.550 to 301.575 and the MVFP act. Any dealer or manufacturer licensed in this state shall have standing to enforce the provisions of this subsection.

5. No dealer or manufacturer not licensed in this state under sections 301.550 to 301.575 shall engage in the business of selling motor vehicles to retail consumers in this state, except as permitted by sections 301.550 to 301.575 and the MVFP act. Any dealer or manufacturer in this state shall have standing to enforce the provisions of this subsection, provided that a franchise relationship exists between the parties.

6. Notwithstanding any provision of sections 301.550 to 301.575 to the contrary, a manufacturer, importer, or distributor may engage in the business of selling motor vehicles to retail consumers in this state from a dealership if the manufacturer, importer, or distributor owned the dealership and initially submitted a dealer license application to the Missouri department of revenue on or before August 28, 2023, provided that the license is subsequently granted, and the ownership or controlling interest of such dealership is not transferred, sold, or conveyed to another person or entity required to be licensed under this chapter.

407.828. FRANCHISOR'S DUTIES TO FRANCHISEE — SCHEDULE OF COMPENSATION — CLAIMS PAYMENT — RETAIL RATE CALCULATION — AUDIT AUTHORITY — COMPLAINT PROCEDURE. — 1. Notwithstanding any provision in a franchise to the contrary, each franchisor shall

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specify in writing to each of its franchisees in this state the franchisee's obligations for preparation, delivery, and warranty service on its products. The franchisor shall fairly and reasonably compensate the franchisee for preparation, delivery, and warranty service required of the franchisee by the franchisor. The franchisor shall provide the franchisee with the schedule of compensation to be paid to the franchisee for parts, labor, and service, and the time allowance for the performance of the labor and service for the franchisee's obligations for preparation, delivery, and warranty service.

2. The schedule of compensation shall include reasonable compensation for diagnostic work, as well as repair service and labor for the franchisee to meet its obligations for preparation, delivery, and warranty service. The schedule shall also include reasonable and adequate time allowances for the diagnosis and performance of preparation, delivery, and warranty service to be performed in a careful and professional manner. In the determination of what constitutes reasonable compensation for labor and service pursuant to this section, the principal factor to be given consideration shall be the prevailing wage rates being charged for similar labor and service by [franchisees in the market in which the franchisee is doing business, and in no event shall the compensation of a franchisee for labor and service be less than the rates charged by] the franchisee for similar labor and service to retail customers for nonwarranty labor and service[, provided that such rates are reasonable]. The primary factor in determining [a fair and] reasonable compensation for parts under this section shall be the [prevailing amount charged for similar parts by other same line-make franchisees in the market in which the franchisee is doing business and the fair and reasonable compensation for parts shall not be less than the] amount charged by the franchisee for similar parts to retail customers for nonwarranty parts[, provided that such rates are reasonable. If another same line-make franchisee is not available within the market, then the prevailing amount charged for similar parts by other franchisees in the market shall be used as the primary factor].

3. A franchisor shall perform all warranty obligations, including recall notices; include in written notices of franchisor recalls to new motor vehicle owners and franchisees the expected date by which necessary parts and equipment will be available to franchisees for the correction of the defects; and [reasonably] compensate any of the franchisees in this state for repairs required by the recall. [Reasonable] Compensation for parts[, and labor[, and service] for recall repairs shall be determined under subsection 2 of this section.

4. No franchisor shall require a franchisee to submit a claim authorized under this section sooner than thirty days after the franchisee completes the preparation, delivery, or warranty service authorizing the claim for preparation, delivery, or warranty service. All claims made by a franchisee under this section shall be paid within thirty days after their approval. All claims shall be either approved or disapproved by the franchisor within thirty days after their receipt on a proper form generally used by the franchisor and containing the usually required information therein. Any claims not specifically disapproved in writing within thirty days after the receipt of the form shall be considered to be approved and payment shall be made within fifteen days thereafter. A franchisee shall not be required to maintain defective parts for more than thirty days after submission of a claim.

5. A franchisor shall compensate the franchisee for franchisor-sponsored sales or service promotion events, including but not limited to, rebates, programs, or activities in accordance with established written guidelines for such events, programs, or activities, which guidelines shall be provided to each franchisee.

6. No franchisor shall require a franchisee to submit a claim authorized under subsection 5 of this section sooner than thirty days after the franchisee becomes eligible to submit the claim. All claims made by a franchisee pursuant to subsection 5 of this section for promotion events, including but not limited to rebates, programs, or activities shall be paid within ten days after their approval. All claims shall be either approved or disapproved by the franchisor within thirty days after their receipt on a proper form generally used by the franchisor and containing the usually required information therein. Any

claim not specifically disapproved in writing within thirty days after the receipt of this form shall be considered to be approved and payment shall be made within ~~[ten]~~ fifteen days.

7. In calculating the retail rate customarily charged by the franchisee for parts, service, and labor, the following work shall not be included in the calculation:

- (1) Repairs for franchisor, manufacturer, or distributor special events, specials, or promotional discounts for retail customer repairs;
- (2) Parts sold at wholesale;
- (3) Engine assemblies and transmission assemblies;
- (4) Routine maintenance not covered under any retail customer warranty, such as fluids, filters, and belts not provided in the course of repairs;
- (5) Nuts, bolts, fasteners, and similar items that do not have an individual part number;
- (6) Tires; and
- (7) Vehicle reconditioning.

8. If a franchisor, manufacturer, importer, or distributor furnishes a part or component to a franchisee, at no cost, to use in performing repairs under a recall, campaign service action, or warranty repair, the franchisor shall compensate the franchisee for the part or component in the same manner as warranty parts compensation under this section by compensating the franchisee at the average markup on the cost for the part or component as listed in the price schedule of the franchisor, manufacturer, importer, or distributor, less the cost for the part or component. This subsection shall not apply to entire engine assemblies, propulsion engine assemblies, including electric vehicle batteries, or entire transmission assemblies.

9. A franchisor shall not require a franchisee to establish the retail rate customarily charged by the franchisee for parts, service, or labor by an unduly burdensome or time-consuming method or by requiring information that is unduly burdensome or time consuming to provide, including, but not limited to, part-by-part or transaction-by-transaction calculations. A franchisee shall not request a franchisor to approve a different labor rate or parts rate more than twice in one calendar year.

10. If a franchisee submits any claim under this section to a franchisor that is incomplete, inaccurate, or lacking any information usually required by the franchisor, then the franchisor shall promptly notify the franchisee, and the time limit to submit the claim shall be extended for a reasonable length of time, not less than five business days following notice by the franchisor to the franchisee, for the franchisee to provide the complete, accurate, or lacking information to the franchisor.

11. (1) A franchisor may only audit warranty, sales, or incentive claims and charge-back to the franchisee unsubstantiated claims for a period of twelve months following payment, subject to all of the provisions of this section. Furthermore, if the franchisor has good cause to believe that a franchisee has submitted fraudulent claims, then the franchisor may only audit suspected fraudulent warranty, sales, or incentive claims and charge-back to the franchisee fraudulent claims for a period of two years following payment, subject to all provisions of this section.

(2) A franchisor shall not require documentation for warranty, sales, or incentive claims more than twelve months after the claim was paid.

(3) Prior to requiring any charge-back, reimbursement, or credit against a future transaction arising out of an audit, the franchisor shall submit written notice to the franchisee along with a copy of its audit and the detailed reason for each intended charge-back, reimbursement, or credit.

12. A franchisee may file a complaint with the administrative hearing commission pursuant to section 407.822 within ~~[thirty]~~ sixty days after receipt of any ~~[such]~~ written notice [challenging such action] by a franchisor of any adverse decision on any claim for reimbursement submitted pursuant to this section, including, but not limited to, specific claims for reimbursement in individual warranty repair transactions, and requests for an increase in labor or parts rate. If a complaint is filed within the ~~[thirty]~~ sixty days, then the ~~[charge-back, reimbursement, or credit]~~ denial or reduction of reimbursement, denial of a request for an increase in labor or parts rate, charge-back, or other determination by a

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franchisor which is adverse to a franchisee shall be stayed pending a hearing and determination of the matter under section 407.822. The franchisor shall file an answer to the complaint within thirty days after service of the complaint. If, following a hearing which shall be held within sixty days following service of the franchisor's answer, the administrative hearing commission determines that [any portion of the charge-back, reimbursement, or credit is improper, then that portion of the charge-back, reimbursement, or credit shall be void and not allowed] a franchisor has violated any requirements of this section, then the denial or reduction of reimbursement, denial of a request for an increase in labor or parts rate, or charge-back shall be void and the franchisor shall, within fifteen days of the commission's order, fairly compensate the franchisee as required by the provisions of this section. Section 407.835 shall apply to proceedings pursuant to this section.

407.2020. DEFINITIONS. — For purposes of sections 407.2020 to 407.2090, the following terms mean:

(1) "Commercial transaction", a transaction involving a motor vehicle in which the motor vehicle will primarily be used for business purposes rather than personal purposes;

(2) "Consumer", an individual purchaser of a motor vehicle or a borrower under a finance agreement. The term "consumer" includes any borrower, as defined in section 407.2030, or contract holder, as defined in section 407.2060, as applicable;

(3) "Finance agreement", a loan, retail installment sales contract, or lease for the purchase, refinancing, or lease of a motor vehicle;

(4) "Free-look period", a period of time from the effective date of the motor vehicle financial protection product until the date the motor vehicle financial protection product may be cancelled without penalty, fees, or costs. This period of time shall not be shorter than thirty days;

(5) "Insurer", an insurance company licensed, registered, or otherwise authorized to issue contractual liability insurance under the insurance laws of this state;

(6) "Motor vehicle", any self-propelled or towed vehicle designed for personal or commercial use including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, all-terrain vehicles, snowmobiles, campers, boats, personal watercraft, and related trailers;

(7) "Motor vehicle financial protection product", an agreement that protects a consumer's financial interest in his or her current or future motor vehicle. The term "motor vehicle financial protection product" includes any debt waiver, as defined in section 407.2030, and any vehicle value protection agreement, as defined in section 407.2060;

(8) "Person", an individual, company, association, organization, partnership, business trust, or corporation, and every form of legal entity.

407.2025. PRODUCTS, OFFERED, SOLD OR GIVEN, WHEN — CHARGES FOR, SEPARATELY STATED — EXTENSION OF CREDIT. — 1. Motor vehicle financial protection products may be offered, sold, or given to consumers in this state in compliance with sections 407.2020 to 407.2090.

2. Any amount charged or financed for a motor vehicle financial protection product shall be separately stated and shall not be considered a finance charge or interest.

3. Any extension of credit, terms of credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the consumer's payment for or financing of any charge for a motor vehicle financial protection product, except that motor vehicle financial protection products may be discounted or given at no charge in connection with the purchase of other non-credit-related goods or services.

407.2030. DEFINITIONS. — For purposes of sections 407.2030 to 407.2055, the following terms mean:

(1) "Administrator", any person, other than an insurer or creditor, who performs administrative or operational functions for debt waiver programs;

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- (2) "Borrower", a debtor or retail buyer or lessee under a finance agreement;
- (3) "Creditor":
 - (a) The lender in a loan or credit transaction;
 - (b) The lessor in a lease transaction;
 - (c) Any retail seller of motor vehicles;
 - (d) The seller in commercial retail installment transactions; or
 - (e) The assignee of any person described in paragraphs (a) to (d) of this subdivision to whom the credit obligation is payable;
- (4) "Debt waiver", any guaranteed asset protection waiver or excess wear and use waiver;
- (5) "Excess wear and use waiver", a contractual agreement in which a creditor agrees, with or without a separate charge, to cancel or waive all or part of amounts that may become due under a borrower's lease agreement as a result of excessive wear and use of a motor vehicle, which agreement shall be part of, or a separate addendum to, the lease agreement. Excess wear and use waivers may also cancel or waive amounts due for excess mileage;
- (6) "Guaranteed asset protection waiver", a contractual agreement in which a creditor agrees, with or without a separate charge, to cancel or waive all or part of amounts due on a borrower's finance agreement in the event of a total physical damage loss or unrecovered theft of the motor vehicle, which agreement shall be part of, or a separate addendum to, the finance agreement. A guaranteed asset protection waiver may also provide, with or without a separate charge, a benefit that waives an amount, or provides a borrower with a credit, toward the purchase of a replacement motor vehicle.

407.2035. DEBT WAIVER OBLIGATIONS, INSURING OF BY RETAIL SELLERS AND CREDITORS, REQUIREMENTS. — 1. (1) A retail seller shall insure its debt waiver obligations under a contractual liability or other insurance policy issued by an insurer. A creditor, other than a retail seller, may insure its debt waiver obligations under a contractual liability policy or other such policy issued by an insurer. Any such insurance policy may be directly obtained by a creditor or retail seller or may be procured by an administrator to cover a creditor's or retail seller's obligations.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, retail sellers who are lessors on motor vehicles shall not be required to insure obligations related to debt waivers on such leased motor vehicles.

2. The debt waiver remains a part of the finance agreement upon the assignment, sale, or transfer of such finance agreement by the creditor.

3. Any creditor who offers a debt waiver shall report the sale of, and forward funds due to, the designated party or parties.

4. Funds received or held by a creditor or administrator and belonging to an insurer, creditor, or administrator shall be held by such creditor or administrator in a fiduciary capacity.

407.2040. DEBT WAIVER INSURANCE POLICIES, REQUIREMENTS AND COVERAGE. — 1. Contractual liability or other insurance policies insuring debt waivers shall state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated to waive under a debt waiver.

2. Coverage under a contractual liability or other insurance policy insuring a debt waiver shall also cover any subsequent assignee upon the assignment, sale, or transfer of the finance agreement.

3. Coverage under a contractual liability or other insurance policy insuring a debt waiver shall remain in effect unless cancelled or terminated in compliance with applicable insurance laws of this state.

4. The cancellation or termination of a contractual liability or other insurance policy shall not reduce the insurer's responsibility for debt waivers issued by the creditor before the date of cancellation or termination and for which premium has been received by the insurer.

407.2045. DEBT WAIVER DISCLOSURE REQUIREMENTS. — Debt waivers shall disclose in writing and in clear, understandable language that is easy to read the following:

- (1) The name and address of the initial creditor and the borrower at the time of sale, and the identity of any administrator if different from the creditor;
- (2) The purchase price, if any, and the terms of the debt waiver including, but not limited to, the requirements for protection, conditions, or exclusions associated with the debt waiver;
- (3) A statement that the borrower may cancel the debt waiver within a free-look period as specified in the debt waiver and, if so cancelled, shall be entitled to a full refund of the purchase price paid by the borrower, if any, so long as no benefits have been provided;
- (4) The procedure the borrower is required to follow, if any, to obtain debt waiver benefits under the terms and conditions of the debt waiver, including, if applicable, a telephone number or website and address where the borrower may apply for debt waiver benefits;
- (5) The terms and conditions governing cancellation consistent with all applicable Missouri laws;
and
- (6) A statement that any extension of credit, terms of the credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the borrower's purchase of a debt waiver.

407.2050. DEBT WAIVER CANCELLATION — FREE-LOOK PERIOD — DEFAULT. — 1. Debt waivers shall provide that if a borrower cancels a debt waiver within the free-look period, the borrower shall be entitled to a full refund of the amount the borrower paid, if any, so long as no benefits have been provided.

2. If, after the debt waiver has been in effect beyond the free-look period, the borrower cancels the debt waiver or there is an early termination of the finance agreement, the borrower may be entitled to a refund of the amount the borrower paid of the unearned portion of the purchase price, if any, less a cancellation fee up to seventy-five dollars, if no benefit has been or will be provided.

3. If the cancellation of a debt waiver occurs as a result of a default under the finance agreement, the repossession of the motor vehicle associated with the finance agreement, or any other termination of the finance agreement, any refund due may be paid directly to the creditor or administrator and applied as a reduction of the amount owed under the finance agreement unless the borrower can show that the finance agreement has been paid in full.

407.2055. DEBT WAIVERS EXEMPT, WHEN. — 1. Debt waivers offered by state or federal banks or credit unions in compliance with applicable state or federal law shall be exempt from the provisions of sections 407.2020 to 407.2090.

2. The provisions of sections 407.2045 and 407.2080 shall not apply to debt waivers offered in connection with commercial transactions.

407.2060. DEFINITIONS. — For purposes of sections 407.2060 to 407.2075, the following terms mean:

- (1) "Administrator", any person who is responsible for the administrative or operational functions of vehicle value protection agreements including, but not limited to, the adjudication of claims or benefit requests by contract holders;
- (2) "Contract holder", a person who is the purchaser or holder of a vehicle value protection agreement;
- (3) "Provider", a person who is obligated to provide a benefit under a vehicle value protection agreement. A provider may perform as an administrator or retain the services of a third-party administrator;
- (4) "Vehicle value protection agreement", a contractual agreement that:

(a) Provides a benefit toward the reduction of some or all of the contract holder's current finance agreement deficiency balance or toward the purchase or lease of a replacement motor vehicle or motor vehicle services upon the occurrence of an adverse event to the motor vehicle including, but not limited to, loss, theft, damage, obsolescence, diminished value, or depreciation;

(b) Does not include debt waivers; and

(c) May include agreements such as, but not limited to, trade-in-credit agreements, diminished value agreements, depreciation benefit agreements, or other similarly named agreements.

407.2065. ADMINISTRATION OF AGREEMENTS, USE OF ADMINISTRATOR OR DESIGNEE — SALE OF AGREEMENTS — OBLIGATIONS TO CONTRACT HOLDERS, REQUIREMENTS. — 1. A provider may, but is not required to, use an administrator or other designee to be responsible for any and all of the administration of vehicle value protection agreements in compliance with the provisions of sections 407.2020 to 407.2090.

2. Vehicle value protection agreements shall not be sold unless the contract holder has been or will be provided access to a copy of the vehicle value protection agreement within a reasonable time.

3. In order to assure the faithful performance of the provider's obligations to its contract holders, each provider shall comply with subdivision (1) or (2) of this subsection, as follows:

(1) In order to satisfy the requirements of this subsection under this subdivision, the provider shall insure all its vehicle value protection agreements under an insurance policy that pays or reimburses in the event the provider fails to perform its obligations under the vehicle value protection agreement and that is issued by an insurer who is licensed, registered, or otherwise authorized to do business in this state and who:

(a) Maintains surplus as to policyholders and paid-in capital of at least fifteen million dollars; or

(b) Maintains:

a. Surplus as to policyholders and paid-in capital of less than fifteen million dollars but at least equal to ten million dollars; and

b. A ratio of net written premiums, wherever written, to surplus as to policyholders and paid-in capital of not greater than three to one; or

(2) In order to satisfy the requirements of this subsection under this subdivision, the provider shall:

(a) Maintain, or together with its parent company maintain, a net worth or stockholders' equity of one hundred million dollars; and

(b) Upon request, provide the attorney general with a copy of the provider's or the provider's parent company's most recent Form 10-K or Form 20-F filed with the Securities and Exchange Commission (SEC) within the last calendar year or, if the company does not file with the SEC, a copy of the company's audited financial statements, which show a net worth of the provider or its parent company of at least one hundred million dollars. If the provider's parent company's Form 10-K, Form 20-F, or financial statements are filed to meet the provider's financial security requirement, the parent company shall agree to guarantee the obligations of the provider relating to vehicle value protection agreements sold by the provider in this state.

4. Except for the requirements specified in subsection 3 of this section, no other financial security requirements shall be required for vehicle value protection agreement providers.

407.2070. AGREEMENT DISCLOSURES. — Vehicle value protection agreements shall disclose in writing and in clear, understandable language that is easy to read the following:

(1) The name and address of the provider, contract holder, and administrator, if any;

(2) The terms of the vehicle value protection agreement including, but not limited to, the purchase price to be paid by the contract holder, if any, the requirements for eligibility, the conditions of coverage, and any exclusions;

(3) A statement that the vehicle value protection agreement may be cancelled by the contract holder within a free-look period as specified in the vehicle value protection agreement and that in such event the contract holder shall be entitled to a full refund of the purchase price paid by the contract holder, if any, so long as no benefits have been provided;

(4) The procedure the contract holder shall follow, if any, to obtain a benefit under the terms and conditions of the vehicle value protection agreement, including, if applicable, a telephone number or website and address where the contract holder may apply for a benefit;

(5) A statement that indicates whether the vehicle value protection agreement may be cancelled after the free-look period and the conditions under which it may be cancelled, including the procedures for requesting any refund of the unearned purchase price paid by the contract holder;

(6) If the vehicle value protection agreement is cancellable after the free-look period, a statement that any refund of the unearned purchase price of the vehicle value protection agreement shall be calculated on a pro rata basis;

(7) A statement that any extension of credit, terms of the credit, or terms of the related motor vehicle sale or lease shall not be conditioned upon the purchase of the vehicle value protection agreement;

(8) The terms, restrictions, or conditions governing cancellation of the vehicle value protection agreement before the termination or expiration date of the vehicle value protection agreement by either the provider or the contract holder. The provider of the vehicle value protection agreement shall mail a written notice to the contract holder at the last known address of the contract holder contained in the records of the provider at least five days before cancellation by the provider. Prior notice shall not be required if the reason for cancellation is nonpayment of the provider fee, a material misrepresentation by the contract holder to the provider or administrator, or a substantial breach of duties by the contract holder relating to the covered product or its use. The notice shall state the effective date of the cancellation and the reason for the cancellation. If a vehicle value protection agreement is cancelled by the provider for a reason other than nonpayment of the provider fee, the provider shall refund to the contract holder one hundred percent of the unearned pro rata provider fee paid by the contract holder, if any. If coverage under the vehicle value protection agreement continues after a claim, any refund may deduct claims paid. A reasonable administrative fee may be charged by the provider up to seventy-five dollars; and

(9) A statement that the agreement is not an insurance contract.

407.2075. INAPPLICABILITY TO COMMERCIAL TRANSACTIONS. — The provisions of sections 407.2070 and 407.2080 shall not apply to vehicle value protection agreements offered in connection with a commercial transaction.

407.2080. ENFORCEMENT BY ATTORNEY GENERAL. — The attorney general may take action that is necessary or appropriate to enforce the provisions of sections 407.2020 to 407.2090 and to protect motor vehicle financial protection product consumers in this state. After proper notice and opportunity for hearing, the attorney general may:

(1) Order the creditor, provider, administrator, or any other person not in compliance with the provisions of sections 407.2020 to 407.2090 to cease and desist from product-related operations that are in violation of the provisions of sections 407.2020 to 407.2090; and

(2) Impose a penalty of not more than five hundred dollars for each violation of the provisions of sections 407.2020 to 407.2090 and not more than ten thousand dollars in the aggregate for all violations of a similar nature. A violation shall be considered of a similar nature to another violation if the violation consists of the same or similar course of conduct, action, or practice, irrespective of the number of times the action, conduct, or practice that is determined to be a violation of the provisions of sections 407.2020 to 407.2090 occurred.

407.2085. PRODUCTS NOT CONSIDERED INSURANCE, WHEN. — Notwithstanding the provisions of section 407.2090, all motor vehicle financial protection products issued before and on and after August 28, 2023, shall not be considered insurance.

407.2090. APPLICABILITY, WHEN. — The provisions of sections 407.2020 to 407.2090 shall apply to all motor vehicle financial protection products that become effective after February 23, 2024.

[304.820. TEXT MESSAGING AND USING A HAND-HELD MOBILE DEVICE WHILE OPERATING A MOTOR VEHICLE PROHIBITED, WHEN — EXCEPTIONS — DEFINITIONS — VIOLATION, PENALTY. — 1. Except as otherwise provided in this section, no person twenty-one years of age or younger operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message.

2. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.

3. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a wireless communications device to send, read, or write a text message or electronic message.

4. The provisions of subsection 1 through subsection 3 of this section shall not apply to a person operating:

(1) An authorized emergency vehicle; or

(2) A moving motor vehicle while using a hand-held electronic wireless communications device to:

(a) Report illegal activity;

(b) Summon medical or other emergency help;

(c) Prevent injury to a person or property; or

(d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

5. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a noncommercial motor vehicle upon the highways of this state.

6. As used in this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.

7. As used in this section, "hand-held electronic wireless communications device" includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

8. As used in this section, "making or taking part in a telephone call" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.

9. As used in this section, "send, read, or write a text message or electronic message" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.

10. A violation of this section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under section 302.302.

11. The state preempts the field of regulating the use of hand-held electronic wireless communications devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of hand-held electronic wireless communication devices by the operator of a motor vehicle.

12. The provisions of this section shall not apply to:

- (1) The operator of a vehicle that is lawfully parked or stopped;
- (2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;
- (3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
- (4) The use of voice-operated technology;
- (5) The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.]

Approved July 6, 2023

SS SCS SB 189, 36 & 37

Modifies provisions relating to public safety, with penalty provisions and an emergency clause for certain sections.

AN ACT to repeal sections 67.145, 70.631, 84.344, 84.480, 84.510, 170.310, 190.091, 211.031, 211.071, 217.345, 217.690, 285.040, 287.067, 287.245, 320.400, 488.650, 509.520, 547.031, 552.020, 556.021, 558.016, 558.019, 558.031, 565.240, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 590.653, 595.209, 600.042, 610.140, 650.058, 650.320, 650.330, and 650.340, RSMo, and to enact in lieu thereof fifty-seven new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

Vetoed July 6, 2023

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HCR 1

BE IT RESOLVED, by the House of Representatives of the One-Hundredth Second General Assembly, First Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 2:30 p.m., Wednesday, January 18, 2023, to receive a message from His Excellency, the Honorable Michael L. Parson, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and the Senate of the One-Hundredth Second General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution..

HCR 2

BE IT RESOLVED, by the House of Representatives of the One-Hundredth Second General Assembly, First Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:15 a.m., Wednesday, February 8, 2023, to receive a message from the Honorable Paul C. Wilson, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and Senate of the One-Hundredth Second General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

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SCR 7 [HCS SCR 7]**Creates the America 250 Missouri Commission.**

Relating to the America 250 Missouri Commission.

Whereas, the 250th anniversary of the Declaration of Independence and 250th anniversary of the United States of America are approaching in the coming years; and

Whereas, such anniversaries are worthy of celebration at both the federal and state levels; and

Whereas, in order to effect such a celebration in Missouri, there needs to be a coordinated effort at the state level:

Now, Therefore, Be It Resolved that the members of the House of Representatives of the One Hundred Second General Assembly, First Regular Session, the Senate concurring therein, hereby create the America 250 Missouri Commission; and

Be It Further Resolved that the principal purpose of the Commission shall be to plan, promote, and implement where appropriate public celebrations and commemorations of the 250th anniversary of the Declaration of Independence on July 4, 2026, and the 250th anniversary of the United States of America; and

Be It Further Resolved that the Commission is authorized to cooperate with the United States Semiquincentennial Commission created by Public Law 114-196, other national and state organizations engaged in commemoration and celebration of the United States Semiquincentennial, and other national, regional, state, and local public and private organizations having compatible purposes. It shall encourage various state agencies and organizations to work cooperatively to promote the Semiquincentennial; and

Be It Further Resolved that the Commission shall consider promoting and encouraging as part of its celebratory and commemorative events, electronic media, printed products, symposia, and educational outreach all of the following:

(1) Awareness and understanding of the principles of the Declaration of Independence, of the winning of American independence in the American Revolutionary War, and of the establishment of America's system of constitutional self-government;

(2) Teaching students and increasing public knowledge and appreciation of the breadth of American history and the centuries-long quest for "liberty and justice for all". This includes sharing the stories and contributions of the various people who have populated the land, from indigenous peoples, explorers, British colonists, seekers of religious freedom, enslaved African Americans, and many others who are part of America's stories. This should also include the commemoration of events that occurred in Missouri during the American Revolutionary War period, such as the Battle of Fort San Carlos in what is now the city of St. Louis in 1780;

(3) Advancing the cause of liberty and American self-government and of the meaning of "E Pluribus Unum" ("From many, one"), through promoting civic knowledge and practice, including America's "Charters of Freedom" (the Declaration of Independence, the Constitution, and the Bill of Rights), and the constitutional features of self-government which emphasize the roles of active and engaged good citizens;

(4) Emphasizing the service and sacrifices of veterans of all generations who have secured and preserved American independence and freedom and encouraging Missourians to honor them;

(5) Celebratory and commemorative events and activities throughout the State of Missouri; and

Be It Further Resolved that the membership of the Commission shall consist of fifteen voting members as follows:

- (1) The Governor of Missouri or his designee, who shall serve as chair of the Commission;
- (2) Two members appointed by the Lieutenant Governor;
- (3) Two members appointed by the President Pro Tempore of the Senate, one of whom shall be from each party, and two members appointed by the Speaker of the House of Representatives, one of whom shall be from each party;
- (4) Two members who are Missourians serving on the United States Semiquincentennial Commission as certified by the executive officer of that Commission; and
- (5) One member who is a representative of the Missouri Society of the Sons of the American Revolution appointed by the Governor;
- (6) One member who is a representative of the Missouri State Society Daughters of the American Revolution appointed by the Governor;
- (7) Two citizens at large appointed by the Governor;
- (8) Two members of the State Historical Society of Missouri appointed by the Governor; and

Be It Further Resolved members shall serve for the life of the Commission, provided any public official's expiration of his or her term shall create a vacancy, and all vacancies shall be filled in the same manner as originally appointed; and

Be It Further Resolved that the appointing authorities shall coordinate their appointments so that diversity of gender, race, and geographical areas is reflective of the makeup of this state; and

Be It Further Resolved that the Commission shall elect its chair, vice chair and any other officers it deems necessary. A majority of the members shall constitute a quorum to conduct business; and

Be It Further Resolved that the Office of Administration shall provide administrative support for the Commission; and

Be It Further Resolved that the Commission, its members, and any staff assigned to the Commission shall receive reimbursement for their actual and necessary expenses in attending meetings of the Commission, with such reimbursement for the legislative members only coming from the Joint Contingent Fund; and

Be It Further Resolved that the Commission shall terminate by either a majority of the members voting for termination, or by December 31, 2027, whichever occurs first; and

Be It Further Resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Approved July 6, 2023

SCR 8

Designates the city of Campbell, Missouri as the Peach Capital of Missouri.

Whereas, the cultivation and harvesting of peaches in Campbell, Missouri has long been an integral part of the city and region; and

Whereas, with a mild climate and soil that is good for producing quality peaches, Campbell is the perfect growing spot for peaches; and

Whereas, almost eighty-five percent of the state's peach harvest is grown in Campbell; and

Whereas, local peach growers have over 125,000 peach trees on more than 1,000 acres; and

Whereas, local peach growers employ local teenagers and seasonal workers each season to harvest the peaches, in addition to year round staff; and

Whereas, from its annual Missouri Peach Fair to the peach basket water tower, the city of Campbell has long been known as the peach capital of the state of Missouri:

Now, Therefore, Be It Resolved Therefore, Be It Resolved by the members of the Missouri Senate, One Hundred Second General Assembly, First Regular Session, the House of Representatives concurring therein, that the city of Campbell, Missouri, shall be known as the Peach Capital of Missouri; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the city of Campbell.

SCR 10

Authorizes the employment of an independent certified public accountant or certified public accounting firm to conduct an audit examination of the State Auditor's office.

Whereas, Section 29.351 of the Revised Statutes of Missouri provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

Now, Therefore, Be It Resolved that the members of the Missouri Senate, One Hundred Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 29.351; and

Be It Further Resolved that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's office; and

Be It Further Resolved that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

Be It Further Resolved that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

Be It Further Resolved that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

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Proposed Amendments to the Constitution of Missouri 1515

November 5, 2024 Election

SJR 26 [SJR 26]

Proposes a constitutional amendment that provides for a property tax exemption for certain child care facilities by general law.

CONSTITUTIONAL AMENDMENT NO. 1. — (Proposed by the 102nd General Assembly, First Regular Session, SJR 26)

Official Ballot Title:

Shall the Missouri Constitution be amended to allow places where individuals, corporations, organizations, and associations provide childcare outside of the child's home to be exempt from property tax? This is intended to make childcare more available, which would support the well-being of children, families, the workforce, and society as a whole.

State governmental entities estimate the state's Blind Pension Fund could have annual lost revenue of up to \$400,000. Local governments expect an unknown fiscal impact.

Fair Ballot Language:

A **"yes"** vote will amend the Missouri Constitution to grant the General Assembly statutory authority to exempt all property, real and personal, used primarily for the care of a child outside of his or her home by general law. An assessing authority may be authorized by general law to exempt from the assessment, levy, and collection of taxes such portion of the property of such individual, corporation, organization, or association that is used primarily for such childcare.

A **"no"** vote will not amend the Missouri Constitution and childcare facilities will continue to be assessed, levied, and pay taxes.

If passed, this measure will have no impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri an amendment repealing Section 6 of Article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to a property tax exemption for certain child care facilities.

SECTION

- A. Enacting clause.
- 6. Property exempt from taxation.
- B. Summary statement.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2024, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article X of the Constitution of the state of Missouri:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION A. ENACTING CLAUSE. — Section 6, Article X, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as Section 6, to read as follows:

SECTION 6. PROPERTY EXEMPT FROM TAXATION. — 1. All property, real and personal, of the state, counties and other political subdivisions, and nonprofit cemeteries, and all real property used as a homestead as defined by law of any citizen of this state who is a former prisoner of war, as defined by law, and who has a total service-connected disability, shall be exempt from taxation; all personal property held as industrial inventories, including raw materials, work in progress and finished work on hand, by manufacturers and refiners, and all personal property held as goods, wares, merchandise, stock in trade or inventory for resale by distributors, wholesalers, or retail merchants or establishments shall be exempt from taxation; and all property, real and personal, not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, for agricultural and horticultural societies, or for veterans' organizations may be exempted from taxation by general law. In addition to the above, household goods, furniture, wearing apparel and articles of personal use and adornment owned and used by a person in his home or dwelling place may be exempt from taxation by general law but any such law may provide for approximate restitution to the respective political subdivisions of revenues lost by reason of the exemption. All laws exempting from taxation property other than the property enumerated in this article, shall be void. The provisions of this section exempting certain personal property of manufacturers, refiners, distributors, wholesalers, and retail merchants and establishments from taxation shall become effective, unless otherwise provided by law, in each county on January 1 of the year in which that county completes its first general reassessment as defined by law.

2. All revenues lost because of the exemption of certain personal property of manufacturers, refiners, distributors, wholesalers, and retail merchants and establishments shall be replaced to each taxing authority within a county from a countywide tax hereby imposed on all property in subclass 3 of class 1 in each county. For the year in which the exemption becomes effective, the county clerk shall calculate the total revenue lost by all taxing authorities in the county and extend upon all property in subclass 3 of class 1 within the county, a tax at the rate necessary to produce that amount. The rate of tax levied in each county according to this subsection shall not be increased above the rate first imposed and will stand levied at that rate unless later reduced according to the provisions of subsection 3. The county collector shall disburse the proceeds according to the revenue lost by each taxing authority because of the exemption of such property in that county. Restitution of the revenues lost by any taxing district contained in more than one county shall be from the several counties according to the revenue lost because of the exemption of property in each county. Each year after the first year the replacement tax is imposed, the amount distributed to each taxing authority in a county shall be increased or decreased by an amount equal to the amount resulting from the change in that district's total assessed value of property in subclass 3 of class 1 at the countywide replacement tax rate. In order to implement the provisions of this subsection, the limits set in section 11(b) of this article may be exceeded, without voter approval, if necessary to allow each county listed in section 11(b) to comply with this subsection.

3. Any increase in the tax rate imposed pursuant to subsection 2 of this section shall be decreased if such decrease is approved by a majority of the voters of the county voting on such decrease. A decrease in the increased tax rate imposed under subsection 2 of this section may be submitted to the voters of a county by the governing body thereof upon its own order, ordinance, or resolution and shall be submitted upon the petition of at least eight percent of the qualified voters who voted in the immediately preceding gubernatorial election.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

4. As used in this section, the terms "revenues lost" and "lost revenues" shall mean that revenue which each taxing authority received from the imposition of a tangible personal property tax on all personal property held as industrial inventories, including raw materials, work in progress and finished work on hand, by manufacturers and refiners, and all personal property held as goods, wares, merchandise, stock in trade or inventory for resale by distributors, wholesalers, or retail merchants or establishments in the last full tax year immediately preceding the effective date of the exemption from taxation granted for such property under subsection 1 of this section, and which was no longer received after such exemption became effective.

5. Because the availability of childcare supports the well-being of children, families, the workforce, and society as a whole, all property, real and personal, used primarily for the care of a child outside of his or her home may be exempted from taxation by general law. If a portion of the property of an individual or a for profit or nonprofit corporation, organization, or association is used for such childcare, an assessing authority may be authorized by general law to exempt from the assessment, levy, and collection of taxes such portion of the property of such individual, corporation, organization, or association that is used primarily for such childcare.

SECTION B. SUMMARY STATEMENT. — Pursuant to chapter 116, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of this joint resolution to the voters of this state, the official summary statement of this resolution shall be as follows:

"Shall the Missouri Constitution be amended to allow places where individuals, corporations, organizations, and associations provide childcare outside of the child's home to be exempt from property tax? This is intended to make childcare more available, which would support the well-being of children, families, the workforce, and society as a whole."

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SUBJECT INDEX

FOR

ONE HUNDRED SECOND

GENERAL ASSEMBLY,

FIRST REGULAR SESSION

(2023)

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**102ND GENERAL ASSEMBLY,
FIRST REGULAR SESSION**

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- SB 106 Modifies provisions relating to public health
- SB 111 Modifies provisions relating to the administration of state employees
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- SB 157 Modifies provisions relating to professions requiring licensure
- HB 202 Modifies and creates new provisions relating to environmental regulation

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 - SB 138 Modifies and creates new provisions relating to agriculture
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 - HB 2 Appropriates state funding for Department of Elementary and Secondary Education
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- HB 8 Appropriates state funding for Department of Public Safety and Department of National Guard
- HB 9 Appropriates state funding for Department of Corrections
- HB 10 Appropriates state funding for Department of Mental Health and Department of Health and Senior Services
- HB 11 Appropriates state funding for Department of Social Services
- HB 12 Appropriates state funding for Elected Officials, Office of Public Defender, Judiciary, and General Assembly
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- SB 75 Modifies provisions relating to retirement systems
- SB 138 Modifies and creates new provisions relating to agriculture
- SB 186 Modifies provisions relating to public safety
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- SB 13 Modifies provisions relating to financial institutions
 - SB 63 Creates new provisions relating to financial institutions
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- SB 75 Modifies provisions relating to retirement systems
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- SB 39 Establishes guidelines for student participation in athletic contests organized by sex
- SB 40 Modifies provisions relating to background checks
- HB 447 Creates and modifies provisions relating to the duties of the Department of Elementary and Secondary Education

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- SB 39 Establishes guidelines for student participation in athletic contests organized by sex
- SB 45 Modifies provisions relating to health care
- SB 70 Modifies provisions relating to professional licensing
- SB 106 Modifies provisions relating to public health
- SB 157 Modifies provisions relating to professions requiring licensure

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- HB 402 Modifies provisions relating to health care
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- SB 39 Establishes guidelines for student participation in athletic contests organized by sex
- SB 40 Modifies provisions relating to background checks
- SB 45 Modifies provisions relating to health care
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- SCR 7 Creates the America 250 Missouri Commission
 - SB 25 Authorizes an income tax deduction for certain federal grant money
 - SB 167 Specifies the means by which a medical examiner's certificate may be provided to the state when applying for a commercial driver's license or instruction permit
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Fees

- SB 103 Modifies provisions relating to judicial proceedings
- SB 109 Modifies provisions relating to mining
- SB 139 Enacts provisions relating to state designations
- HB 202 Modifies and creates new provisions relating to environmental regulation

Fire Protection

- SB 24 Creates new provisions relating to vulnerable persons

Firearms

- SB 186 Modifies provisions relating to public safety

Funerals and Funeral Directors

- SB 116 Modifies provisions relating to the disposition of the dead

General Assembly

- SCR 7 Creates the America 250 Missouri Commission
- SB 20 Modifies provisions relating to retirement
- SB 39 Establishes guidelines for student participation in athletic contests organized by sex
- SB 75 Modifies provisions relating to retirement systems
- HB 12 Appropriates state funding for Elected Officials, Office of Public Defender, Judiciary, and General Assembly

Governor and Lt. Governor

- SCR 7 Creates the America 250 Missouri Commission
- SB 20 Modifies provisions relating to retirement
- SB 75 Modifies provisions relating to retirement systems
- HB 802 Authorizes the conveyance of certain state property

Health and Senior Services, Department of

- SB 24 Creates new provisions relating to vulnerable persons
- SB 40 Modifies provisions relating to background checks
- SB 70 Modifies provisions relating to professional licensing
- SB 106 Modifies provisions relating to public health
- SB 116 Modifies provisions relating to the disposition of the dead
- SB 157 Modifies provisions relating to professions requiring licensure
- HB 10 Appropriates state funding for Department of Mental Health and Department of Health and Senior Services
- HB 402 Modifies provisions relating to health care
- HB 417 Creates incentives for the purpose of encouraging certain individuals to obtain employment-related skills

Health Care

- SB 24 Creates new provisions relating to vulnerable persons
 - SB 40 Modifies provisions relating to background checks
 - SB 45 Modifies provisions relating to health care
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Health Care, Continued

- SB 49 Establishes "Missouri Save Adolescents from Experimentation (SAFE) Act" and modifies provisions relating to public funding of certain gender transition procedures
- SB 51 Modifies provisions relating to physical therapists
- SB 70 Modifies provisions relating to professional licensing
- SB 106 Modifies provisions relating to public health
- SB 157 Modifies provisions relating to professions requiring licensure
- HB 115 Modifies provisions relating to licensing of health care professionals

Health Care Professionals

- SB 45 Modifies provisions relating to health care
- SB 49 Establishes "Missouri Save Adolescents from Experimentation (SAFE) Act" and modifies provisions relating to public funding of certain gender transition procedures
- SB 51 Modifies provisions relating to physical therapists
- SB 70 Modifies provisions relating to professional licensing
- SB 106 Modifies provisions relating to public health
- SB 157 Modifies provisions relating to professions requiring licensure
- HB 115 Modifies provisions relating to licensing of health care professionals
- HB 402 Modifies provisions relating to health care

Health, Public

- SB 106 Modifies provisions relating to public health
- HB 402 Modifies provisions relating to health care

Higher Education and Workforce Development, Department of

- SB 39 Establishes guidelines for student participation in athletic contests organized by sex
- HB 3 Appropriates state funding for the Department of Higher Education and Workforce Development

Highway Patrol

- SB 20 Modifies provisions relating to retirement
- SB 28 Modifies provisions relating to access to public records of the Missouri highway patrol
- SB 40 Modifies provisions relating to background checks
- SB 75 Modifies provisions relating to retirement systems
- SB 189 Modifies provisions relating to criminal laws (VETOED)

Historic Preservation

- SB 127 Enacts provisions relating to state designations marked by the Department of Transportation
- SB 139 Enacts provisions relating to state designations

Holidays and Observances

- SB 45 Modifies provisions relating to health care
 - SB 106 Modifies provisions relating to public health
 - SB 139 Enacts provisions relating to state designations
 - HB 402 Modifies provisions relating to health care
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Hospitals

- SB 45 Modifies provisions relating to health care
HB 402 Modifies provisions relating to health care

Insurance - General

- SB 101 Enacts provisions relating to property and casualty insurance

Insurance - Health

- SB 24 Creates new provisions relating to vulnerable persons
SB 45 Modifies provisions relating to health care
SB 106 Modifies provisions relating to public health

Insurance - Property

- SB 101 Enacts provisions relating to property and casualty insurance

Interstate Cooperation

- SB 101 Enacts provisions relating to property and casualty insurance
SB 127 Enacts provisions relating to state designations marked by the Department of Transportation
SB 139 Enacts provisions relating to state designations
SB 167 Specifies the means by which a medical examiner's certificate may be provided to the state when applying for a commercial driver's license or instruction permit

Judges

- SB 189 Modifies provisions relating to criminal laws (VETOED)
HB 12 Appropriates state funding for Elected Officials, Office of Public Defender, Judiciary, and General Assembly

Kansas City

- SB 20 Modifies provisions relating to retirement

Labor and Industrial Relations, Department of

- HB 7 Appropriates state funding for Department of Economic Development, Department of Commerce and Insurance, and Department of Labor and Industrial Relations

Law Enforcement Officers and Agencies

- SB 20 Modifies provisions relating to retirement
SB 24 Creates new provisions relating to vulnerable persons
SB 45 Modifies provisions relating to health care
SB 70 Modifies provisions relating to professional licensing
SB 157 Modifies provisions relating to professions requiring licensure
SB 186 Modifies provisions relating to public safety
SB 189 Modifies provisions relating to criminal laws (VETOED)

Liability

- SB 39 Establishes guidelines for student participation in athletic contests organized by sex
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Licenses - Driver's

- SB 35 Modifies provisions relating to child custody and child support enforcement
SB 167 Specifies the means by which a medical examiner's certificate may be provided to the state when applying for a commercial driver's license or instruction permit

Licenses - Miscellaneous

- SB 35 Modifies provisions relating to child custody and child support enforcement
SB 398 Enacts provisions relating to motor vehicles

Licenses - Motor Vehicle

- SB 35 Modifies provisions relating to child custody and child support enforcement

Medicaid/MO Healthnet

- SB 45 Modifies provisions relating to health care
SB 49 Establishes "Missouri Save Adolescents from Experimentation (SAFE) Act" and modifies provisions relating to public funding of certain gender transition procedures
SB 106 Modifies provisions relating to public health

Medical Procedures and Personnel

- SB 45 Modifies provisions relating to health care
SB 49 Establishes "Missouri Save Adolescents from Experimentation (SAFE) Act" and modifies provisions relating to public funding of certain gender transition procedures
SB 70 Modifies provisions relating to professional licensing
SB 106 Modifies provisions relating to public health
HB 402 Modifies provisions relating to health care

Mental Health

- SB 24 Creates new provisions relating to vulnerable persons
SB 70 Modifies provisions relating to professional licensing
SB 106 Modifies provisions relating to public health
SB 157 Modifies provisions relating to professions requiring licensure
HB 115 Modifies provisions relating to licensing of health care professionals
HB 402 Modifies provisions relating to health care

Mental Health, Department of

- SB 24 Creates new provisions relating to vulnerable persons
SB 106 Modifies provisions relating to public health
HB 10 Appropriates state funding for Department of Mental Health and Department of Health and Senior Services
HB 402 Modifies provisions relating to health care

Mining and Oil and Gas Production

- SB 109 Modifies provisions relating to mining

Mortgages and Deeds

- SB 101 Enacts provisions relating to property and casualty insurance
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Motor Carriers

- SB 167 Specifies the means by which a medical examiner's certificate may be provided to the state when applying for a commercial driver's license or instruction permit

Motor Vehicles

- SB 167 Specifies the means by which a medical examiner's certificate may be provided to the state when applying for a commercial driver's license or instruction permit
SB 398 Enacts provisions relating to motor vehicles

National Guard

- HB 8 Appropriates state funding for Department of Public Safety and Department of National Guard

Natural Resources, Department of

- SB 109 Modifies provisions relating to mining
HB 6 Appropriates state funding for Department of Agriculture, Department of Natural Resources, and Department of Conservation
HB 802 Authorizes the conveyance of certain state property

Notary Public

- HB 402 Modifies provisions relating to health care

Nurses

- SB 45 Modifies provisions relating to health care
SB 49 Establishes "Missouri Save Adolescents from Experimentation (SAFE) Act" and modifies provisions relating to public funding of certain gender transition procedures
SB 70 Modifies provisions relating to professional licensing
SB 106 Modifies provisions relating to public health
SB 157 Modifies provisions relating to professions requiring licensure
HB 115 Modifies provisions relating to licensing of health care professionals
HB 402 Modifies provisions relating to health care
HB 417 Creates incentives for the purpose of encouraging certain individuals to obtain employment-related skills

Nursing Homes and Long-term Care Facilities

- SB 157 Modifies provisions relating to professions requiring licensure
HB 402 Modifies provisions relating to health care

Pharmacy

- SB 45 Modifies provisions relating to health care
SB 70 Modifies provisions relating to professional licensing
SB 106 Modifies provisions relating to public health
SB 157 Modifies provisions relating to professions requiring licensure
HB 115 Modifies provisions relating to licensing of health care professionals
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Physical Therapists

- SB 51 Modifies provisions relating to physical therapists
- SB 70 Modifies provisions relating to professional licensing
- SB 106 Modifies provisions relating to public health
- HB 115 Modifies provisions relating to licensing of health care professionals
- HB 402 Modifies provisions relating to health care

Physicians

- SB 45 Modifies provisions relating to health care
- SB 49 Establishes "Missouri Save Adolescents from Experimentation (SAFE) Act" and modifies provisions relating to public funding of certain gender transition procedures
- SB 51 Modifies provisions relating to physical therapists
- SB 70 Modifies provisions relating to professional licensing
- SB 106 Modifies provisions relating to public health
- SB 157 Modifies provisions relating to professions requiring licensure
- HB 115 Modifies provisions relating to licensing of health care professionals
- HB 402 Modifies provisions relating to health care

Political Subdivisions

- SB 24 Creates new provisions relating to vulnerable persons

Prisons and Jails

- SB 49 Establishes "Missouri Save Adolescents from Experimentation (SAFE) Act" and modifies provisions relating to public funding of certain gender transition procedures
- SB 157 Modifies provisions relating to professions requiring licensure
- SB 189 Modifies provisions relating to criminal laws (VETOED)

Probation and Parole

- SB 189 Modifies provisions relating to criminal laws (VETOED)

Professional Registration and Licensing

- SB 35 Modifies provisions relating to child custody and child support enforcement
- SB 49 Establishes "Missouri Save Adolescents from Experimentation (SAFE) Act" and modifies provisions relating to public funding of certain gender transition procedures
- SB 51 Modifies provisions relating to physical therapists
- SB 70 Modifies provisions relating to professional licensing
- SB 157 Modifies provisions relating to professions requiring licensure
- HB 115 Modifies provisions relating to licensing of health care professionals

Property, Real and Personal

- SB 138 Modifies and creates new provisions relating to agriculture
- SB 186 Modifies provisions relating to public safety
- HB 802 Authorizes the conveyance of certain state property

Public Assistance

- SB 45 Modifies provisions relating to health care
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Public Assistance, Continued

- SB 49 Establishes "Missouri Save Adolescents from Experimentation (SAFE) Act" and modifies provisions relating to public funding of certain gender transition procedures
SB 106 Modifies provisions relating to public health

Public Buildings

- HB 13 Appropriates state funding for statewide leasing

Public Officers

- SB 20 Modifies provisions relating to retirement
SB 75 Modifies provisions relating to retirement systems

Public Records, Public Meetings

- SB 28 Modifies provisions relating to access to public records of the Missouri highway patrol

Public Safety, Department of

- SB 24 Creates new provisions relating to vulnerable persons
SB 40 Modifies provisions relating to background checks
HB 8 Appropriates state funding for Department of Public Safety and Department of National Guard

Religion

- SB 34 Authorizes school districts and charter schools to offer elective social studies courses on the Hebrew Scriptures and the New Testament

Retirement - Local Government

- SB 20 Modifies provisions relating to retirement

Retirement - Schools

- SB 20 Modifies provisions relating to retirement
SB 75 Modifies provisions relating to retirement systems

Retirement - State

- SB 20 Modifies provisions relating to retirement
SB 75 Modifies provisions relating to retirement systems

Retirement Systems and Benefits - General

- SB 20 Modifies provisions relating to retirement
SB 75 Modifies provisions relating to retirement systems

Revenue, Department of

- SB 45 Modifies provisions relating to health care
SB 106 Modifies provisions relating to public health
SB 167 Specifies the means by which a medical examiner's certificate may be provided to the state when applying for a commercial driver's license or instruction permit
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Revenue, Department of, Continued

- SB 398 Enacts provisions relating to motor vehicles
HB 4 Appropriates state funding for Department of Revenue & Department of Transportation

Roads and Highways

- SB 28 Modifies provisions relating to access to public records of the Missouri highway patrol
SB 127 Enacts provisions relating to state designations marked by the Department of Transportation
SB 139 Enacts provisions relating to state designations
HB 802 Authorizes the conveyance of certain state property

Saint Louis County

- SB 139 Enacts provisions relating to state designations

Salaries

- SB 103 Modifies provisions relating to judicial proceedings
SB 111 Modifies provisions relating to the administration of state employees
HB 131 Allows for payment of state employee salaries every two weeks

Secretary of State

- SB 20 Modifies provisions relating to retirement
SB 75 Modifies provisions relating to retirement systems

Social Services, Department of

- SB 35 Modifies provisions relating to child custody and child support enforcement
SB 40 Modifies provisions relating to background checks
SB 45 Modifies provisions relating to health care
SB 49 Establishes "Missouri Save Adolescents from Experimentation (SAFE) Act" and modifies provisions relating to public funding of certain gender transition procedures
SB 106 Modifies provisions relating to public health
HB 11 Appropriates state funding for Department of Social Services
HB 402 Modifies provisions relating to health care
HB 447 Creates and modifies provisions relating to the duties of the Department of Elementary and Secondary Education

Social Workers

- SB 70 Modifies provisions relating to professional licensing

State Departments

- SB 103 Modifies provisions relating to judicial proceedings

State Employees

- SB 103 Modifies provisions relating to judicial proceedings
SB 111 Modifies provisions relating to the administration of state employees
HB 131 Allows for payment of state employee salaries every two weeks
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Suicide

SB 24 Creates new provisions relating to vulnerable persons

Sunshine Law

SB 24 Creates new provisions relating to vulnerable persons

Tax Credits

SB 94 Establishes tax credits for the production of certain entertainment

HB 202 Modifies and creates new provisions relating to environmental regulation

Tax Incentives

SB 94 Establishes tax credits for the production of certain entertainment

Taxation and Revenue - General

SB 20 Modifies provisions relating to retirement

Taxation and Revenue - Income

SB 25 Authorizes an income tax deduction for certain federal grant money

SB 45 Modifies provisions relating to health care

SB 106 Modifies provisions relating to public health

SB 190 Modifies provisions relating to tax relief for seniors

Taxation and Revenue - Property

SJR 26 Authorizes a property tax exemption for certain property used for childcare

SB 190 Modifies provisions relating to tax relief for seniors

Taxation and Revenue - Sales and Use

SB 398 Enacts provisions relating to motor vehicles

Teachers

SB 20 Modifies provisions relating to retirement

SB 34 Authorizes school districts and charter schools to offer elective social studies courses on the Hebrew Scriptures and the New Testament

SB 75 Modifies provisions relating to retirement systems

Telecommunications

SB 167 Specifies the means by which a medical examiner's certificate may be provided to the state when applying for a commercial driver's license or instruction permit

SB 398 Enacts provisions relating to motor vehicles

Tourism

SB 94 Establishes tax credits for the production of certain entertainment

Transportation

- SB 127 Enacts provisions relating to state designations marked by the Department of Transportation
SB 139 Enacts provisions relating to state designations
SB 167 Specifies the means by which a medical examiner's certificate may be provided to the state when applying for a commercial driver's license or instruction permit

Transportation, Department of

- SB 20 Modifies provisions relating to retirement
SB 75 Modifies provisions relating to retirement systems
SB 127 Enacts provisions relating to state designations marked by the Department of Transportation
SB 139 Enacts provisions relating to state designations
HB 4 Appropriates state funding for Department of Revenue & Department of Transportation
HB 802 Authorizes the conveyance of certain state property

Treasurer, State

- SB 20 Modifies provisions relating to retirement
SB 75 Modifies provisions relating to retirement systems
SB 138 Modifies and creates new provisions relating to agriculture
HB 202 Modifies and creates new provisions relating to environmental regulation

Trees and Other Plants

- SB 138 Modifies and creates new provisions relating to agriculture
HB 202 Modifies and creates new provisions relating to environmental regulation

Veterinarians

- HB 202 Modifies and creates new provisions relating to environmental regulation

Victims of Crime

- SB 186 Modifies provisions relating to public safety
SB 189 Modifies provisions relating to criminal laws (VETOED)

Workers' Compensation

- SB 101 Enacts provisions relating to property and casualty insurance
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